

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT AND RECOMMENDATION**

December 11, 1998

FINAL RECORD PLAT: PLT98-0154
Lots 20 & 21, Block 3
Original Town of Rockville

APPLICANT: John R. Law
104 W. Jefferson Street
Rockville, Maryland 20850

DATE FILED: November 24, 1998

DESCRIPTION OF PROPERTY:

Lot Size and Zone: 27,535 square foot, zoned R-90

Present Use: Residential

Comments: The property is located within the West Montgomery Avenue Historic District and is a previously unrecorded, deeded lot.



REQUEST: Approval of a record plat to divide the property into two lots.

PREVIOUS RELATED ACTIONS:

- On September 15, 1998, the Historic District Commission reviewed Final Record Plat Application PLT98-0150 and found that the subdivision would not adversely impact the historic structure nor the historic West Jefferson Street streetscape.
- The applicant filed Final Record Plat Application PLT98-0150 on September 15, 1998. At the Planning Commission meeting on October 21, 1998, a majority of the voting members of the Planning Commission were not persuaded that the proposed Record Plat satisfied all of the applicable requirements of the Zoning Ordinance and the application was denied with a 2-2 vote.
- The applicant has filed an appeal before the Circuit Court for Montgomery County. A consent motion to stay further action on that appeal pending the outcome of this application has been filed with the Court.

STAFF COMMENTS: The applicant has submitted a Final Record Plat request for a two lot subdivision that is substantially the same as the one that was denied by the Planning Commission in October. The proposal is to divide the existing deeded lot into two lots, one to contain the existing improvements and the other, smaller lot, for a new infill dwelling. The only difference between this application and the previous one is that the applicant now proposes to live on the

smaller lot instead of selling both lots. This change is not material and not relevant to the analysis of this application.

The original Johnston-Prettyman house was built between 1841 and 1842. The property is located within the West Montgomery Avenue Historic District; therefore, the Historic District Commission was required to review the proposal. The Historic District Commission previously found that the proposal would not adversely impact the historic structure nor the historic West Jefferson Street streetscape.

The City Forester has advised that a Forest Stand Delineation is not required at this time, but will be required prior to construction of a new dwelling unit. The Department of Public Works has indicated that stormwater management must be provided for the entire property prior to construction of a new dwelling unit on Lot 21.

The proposed lots comply with the minimum requirements contained in Section 25-311, Tables of Development Standards for lots zoned R-90, One-Family Detached, Restricted Residential. Those requirements are a minimum lot size of 9,000 square feet with frontage of at least 80 feet. The larger 18,479 square foot proposed lot has over a 100 feet of frontage on W. Jefferson Street and over a 170 feet of frontage on S. Van Buren Street while the smaller lot is made up of 9,056 square feet with 80 feet of frontage along S. Van Buren Street.

Citizens opposing this application have cited Section 25-749(b) as a provision of the Zoning Ordinance that should be applied to this subdivision application. Section 25-749(b) Resubdivision of existing lots states that:

In any resubdivision of developed or undeveloped lots within an existing residential area, the Commission shall maintain, to the extent feasible, the average area and frontage of existing lots within five hundred (500) feet of the proposed resubdivision. This requirement shall supersede the minimum lot size and frontage requirements of the applicable zone, except where the average lot size of frontage of the existing lots are smaller than the minimum requirements of the zone, in which case the minimum requirements shall apply.

Whether this section applies to the proposed subdivision depends on whether the pending application involved is an initial subdivision or a resubdivision. There is no definition of "resubdivision" in the Zoning Ordinance. The Zoning Ordinance's definition of a subdivision is as follows:

Subdivision means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions or assemblage of land for the purpose, whether immediate or future, of sale or of building development. "Subdivision" includes

resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided. (Section 25-1. Definitions.)

The applicant has asserted that Section 25-749(b) does not apply to the current application because it is not a resubdivision of an existing platted lot but rather is a subdivision of an old lot created by deed. Staff has had the opportunity to further evaluate whether a deeded lot constitutes a subdivision and believes that it does, particularly when, as in this case, the lot was established at a time when creation of a lot by deed was an acceptable method of land division. The language of Section 25-749(b) does not expressly limit its requirement to resubdivision of previously platted lots. Staff historically has applied Section 25-749(b) to evaluate the appropriateness of pipestem lots. In doing so, staff has made no distinction between subdivision of previously platted lots and subdivision of lots created by deed.

Since Section 25-749(b) applies to this application, information must be collected to determine an average of the lot frontages and lot area of the surrounding properties. Access to the tax records is the only reference source that staff can use to provide timely property information. The information in those records, however, is limited to overall property size and provides no information about the lot frontages. Staff compiled information from the tax records for each tax account within 500 feet of the proposed subdivision. Without determining whether the tax account contained more than one lot, the average tax parcel was determined to be 14,430 square feet.¹ Additionally, non-residentially occupied properties were excluded from the calculations because they are not the same use and are, more often than not, made up of multiple lots.

Similarly, staff cannot determine the average frontage of the lots in the area without accessing the deeds for the unplatted lots. Staff, however, used the 200 scale tax maps to assess the tax parcel frontages within the 500 radius of the proposed subdivision and found that a majority of the lot frontages are equal to or less than the 80 feet of frontage proposed for the smaller lot and that the proposed larger lot exceeds most of them.

The area of the two proposed lots is 18,479 square feet and 9,056 square feet. The applicant could create two lots of approximately 13,767 square feet each by moving the dividing lot line to a point where it divides the existing property in half by square footage. The applicant is opposed to that idea because it would mean that the pool and carport would be lost. Staff, however, is opposed to that idea for a different reason. Moving the lot line would only achieve lots of equal size; it would not produce fewer lots. Moreover, dividing the property in half does not produce a subdivision that takes into account the existing historic house. The proposed subdivision achieves

¹Use of this method tends to skew the average lot size data because it does not illustrate the average area of existing lots but shows the average area per tax account. Without a detailed search of each tax account among the Land Records of Montgomery County, there is no other method available to determine an average. Since some accounts contain more than one lot, this method also produces an average higher than would be determined for individual lots.

a greater degree of sensitivity than just cutting the property in half and produces the same number of lots. The intent of Section 25-749(b) is to protect existing neighborhoods from uncharacteristic subdivision. In this case, the uneven division of the property seems to be in character with the eclectic character of the neighborhood, which consists of a variety of lot sizes.

While a preliminary plan is not required for three lots or less, the preliminary plan findings contained in Section 25-727 must be addressed. In order to approve a record plat, the Planning Commission must find that a proposed subdivision will not conflict with any of the findings. The following is a list of the findings as well as an evaluation of each:

(1) Constitute a violation of any provision of this chapter or other applicable law;

The proposed lots meet the minimum requirements for the R-90 zone. The intent of Section 25-749(b) is to create lots that are compatible with the surrounding neighborhood. Within 500 feet of the proposed subdivision are properties that are smaller as well as larger than the proposed lots. They are also intermingled with each other. In this case, unequally dividing the existing lot creates one lot that complies with the Development Standards of the R-90 zone and another that not only exceeds the average for the neighborhood but creates a lot that is sensitive to the historic house. The proposed subdivision is also different from the others along South Van Buren Street because it abuts a non-residential use. For these reasons, staff believes that the proposed subdivision does not violate any provision of this chapter or other applicable law.

(2) Violate or adversely affect the Plan;

The Master Plan recommends medium density detached residential development with 2.5 to 4 units per acre for this area. The proposed lots are zoned R-90, One-Family Detached, Restricted Residential and meet the development standards for that zone. The proposed subdivision will not violate or adversely affect the Plan or the Zoning Ordinance.

(3) Overburden existing public services, including but not limited to water, sanitary sewer, public roads, storm drainage and other public improvements;

The Department of Public Works has not identified any difficulty with the ability to provide water or sanitary sewer to the proposed subdivision. The proposed subdivision would only add one house to South Van Buren Street. Adequate sewer, water and storm drain capacity is available to serve an additional single-family dwelling. The proposal is not large enough to produce any identifiable impact upon the public street system or other public improvements.

(4) Affect adversely the health or safety of persons residing or working in the subdivision or neighborhood;

The proposed subdivision is located in a single-family neighborhood. A new single-family home is planned for the smaller lot. There are no health or safety concerns associated with this proposal that would be any different than any other home on the street.

(5) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

The public welfare is unaffected by this proposal. Staff cannot identify any way that this subdivision would be injurious to property or improvements in the neighborhood. Neighbors have suggested that allowing this subdivision could create a precedence for subdivision within the neighborhood that would lead to its deterioration. Although this may be a valid concern, the proposed subdivision satisfies the development standards set forth in the Zoning Ordinance and poses no current identifiable harm or danger to the neighborhood.

(6) Be unsuitable for the type of development, the use contemplated, and available public utilities and services; or

This proposal is for a single-family home in a single-family residential neighborhood and there is no problem with public utilities and services.

(7) Unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil.

There are no conditions on this site that cannot be mitigated. The land is relatively flat and any tree protection or removal will be controlled by the City Forester as well as the Historic District Commission.

STAFF RECOMMENDATION:

The proposed subdivision meets the minimum Development Standards for R-90 zoned lots and there are no identifiable concerns associated with any of the required findings. Therefore, the approval of this subdivision hinges on whether the proposal complies "to the extent feasible" with the requirements of Section 25-749(b). Staff finds that the proposed subdivision meets the spirit of Section 25-749(b). Creating lots that do not meet the average is not unprecedented in the neighborhood or even on South Van Buren Street. The subdivision is not only in keeping with the variety of lot sizes in the neighborhood but provides a method of reducing the mass and scale of any future dwelling. The combination of the smaller lot size and the Historic District

Commission review and approval will ensure that any future dwelling constructed on the smaller lot will be built in a manner compatible with the surrounding neighborhood and dwellings. Approval of this proposed subdivision will also result in lots that are sensitive to the historic Johnston/Prettyman house.

Based on the above, staff recommends approval, subject to the conditions noted below:

1. That the plat be revised to make modification/additions as identified in Planning Commission Exhibit "A";
2. That the final plat be submitted in an appropriate electronic format as specified in Section 25-782 (c), (d), and (e) of the Rockville Zoning and Planning Ordinance.

Attachments

RECEIVED

Oct 17, 1998

OCT 23 1998
Dean Planning Commission members:

I am writing in support of the application submitted by John R. Law to redivide the property located at 100 South Van Buren Street into two lots, as he has requested.

I am aware of what Mr. Law is proposing and I am in full agreement with his request.

The proposed developer is proposing a structure that will not negatively impact on the surrounding properties, and in fact will probably increase the value of existing properties.

Since any such construction would have to be approved by going through a very detailed historic evaluation review process, I am certain that any resulting addition to this parcel of land will fit very nicely into the neighborhood.

I have resided on South Van Buren Street since 1974 and have been aware of the many efforts of Mr. Law to beautify and improve the neighborhood. I am sure he would propose nothing to damage her fine reputation or the quality of the neighborhood.

Sincerely

Attachment 6-7

129 South Van Buren Street

John A. Toren, R.146

FRANCES BOUIC PARKS
119 SOUTH VAN BUREN STREET
ROCKVILLE, MARYLAND 20850

10-19-98

City of Rockville
Planning Commission;

I am writing to support the John Laws
intended 9,056 foot building lot.

Houses on our street have been privately
built on individual lots of various sizes over
many years. Ours, we built over thirty five years
ago and I love the street.

I am pleased that John Laws will
build a home and we look forward to welcoming
a new neighbor.

Sincerely,
Frances Bouic Parks

I am a life long resident of Rockville as were
my parents and grandparents and my sons will
live on this street for many years to come.

19 October 1998

Planning Commission
City of Rockville

Re: Subdivion Application

PLT98-0150

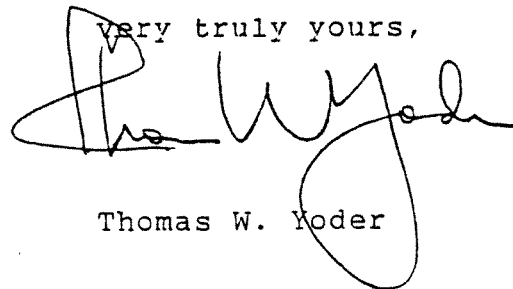
Gentlemen:

This is written as a neighbor of the subject property on South Van Buren Street.

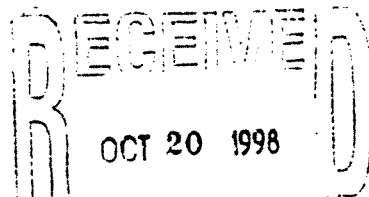
Not only do we not object to the subdivision of Dr. Law's property, but we highly recommend your approval.

We look forward to seeing another new home on our street, in lieu of the hedges now there, and believe it will add value to our home and the other homes on the street.

Very truly yours,



Thomas W. Yoder



COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

Attachment 6-9

R. 148

118 S. Van Buren Street
Rockville, MD 20850
October 20, 1998

City of Rockville Planning Division
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Application PLT98-0150
100 S. Van Buren Street

Gentlemen:

I have been out of town and upon my arrival at home in the late evening October 18, received a postcard which had been mailed to the owner/occupant of my home giving notice of a tentative planning commission meeting on Wednesday, October 21, 1998. I would like to ask two questions. Just when will I be informed whether or not this tentative meeting will take place? The other question is why was I not given more notice.

It would seem to me that the intent to subdivide a lot and drastically change a neighborhood should be advertised. To the best of my knowledge, it has not been.

I would like to express my concern about the proposed subdivision of this parcel. South Van Buren Street has always had the reputation of being one of the nicest residential streets in Rockville with spacious lots and mostly good sized homes. Green lawns, gardens, trees and lots of space between houses is a part of the charm of South Van Buren Street. Squeezing a big Pseudo-Gothic/Victorian, or any other \$450,000.00 to \$500,000.00 house on that size lot would begin to change the whole character of the neighborhood. It would also set a precedent on our street which I have noted in other parts of the west end of Rockville. The most egregious example to me would be the placement of seven or eight houses on a small bit of acreage on Maryland Avenue.

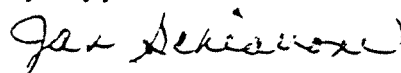
Another aspect to consider is the fact that new construction would place an additional strain on the old city pipes in this neighborhood and would make stormwater management more burdensome. We do have a big problem with water pressure in this area.

My house is right next door to this proposed new lot and I am worried that any house squeezed onto a lot smaller than any other on this street would be jammed right up against my property line. I expect that all of the trees would be torn down also. I would also venture to guess that there would be more cars parked on this narrow street.

I have lived in my house for 35 years and it has always been a quiet and serene refuge in the midst of bustling downtown Rockville. With a large house looming so closely over mine, I will feel as though I live in a townhouse subdivision.

It is my hope that the Planning Commission will consider the fact that this is an old established neighborhood and leave it the way it is now.

Very truly yours,



Janice H. Schiavone

j
cc: Peerless Rockville
The Mayor and council of Rockville

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Attachment 6-10

R. 149

132 South Van Buren Street
Rockville, MD 20850
October 18, 1998

To whom it may concern:

We have no objection to the subdivision of the 100 South Van Buren Lot of Dr. John Law.

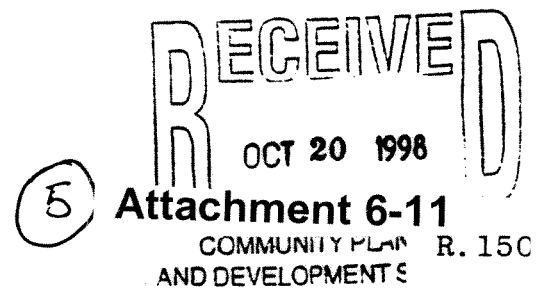
Sincerely,

Linda D. Harris

Linda D. Harris

Gerald R. Harris

Gerald R. Harris



JACQUES B. GELIN
105 South Van Buren St.
Rockville, MD 20850
(301) 762-7147
gelinjac@erols.com

October 21, 1998

To the Chairman and Members of the City of Rockville Planning Commission:

I am Jacques Gelin. I reside at 105 South Van Buren Street in Rockville, immediately across the street from Dr. Law. I submit this statement in support of Dr. Law's application.

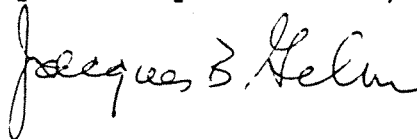
I have resided in Rockville for over 30 years and have served on the Historic District Commission both as a member and chairman.

I am able to represent to this Commission that the owners of the following properties, all located closer to Dr. Law's property than the objector, support this application. These supporting owners reside at numbers 109 (Florence Ashby and Laird Anderson), 117 (Ellen & Harry Pskowski), and 119 (Frances Bouic Parks).

The Staff Report concedes that Section 25-749, upon which the objector relies probably does not apply to the current application; nonetheless, even under the stricter standard that would apply to a resubdivision, the Staff Report recommends approval. Based on information supplied by Dr. Law and my personal knowledge of the neighborhood, the application is compatible with the surrounding neighborhood and is consistent with both the letter and the intent of the ordinance.

Based on the foregoing, I request that you grant Dr. Law's application.

Respectfully submitted,



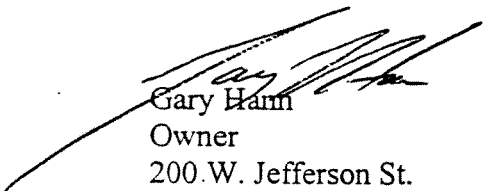
October 21, 1998

Dr. John Law
104 W. Jefferson St.
Rockville, Maryland 20850

Dear John:

I am aware of, and support your attempts, to sub-divide your property located at 104 W. Jefferson St., Rockville, Maryland.

Respectfully,



Gary Hamm

Owner
200 W. Jefferson St.
Rockville, Maryland

⑦

Attachment 6-13

R. 152

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR

Registered to Practice:
Maryland
Virginia
District of Columbia

8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 984-5804
(301) 330-0812
FAX(301) 984-6865

October 20, 1998

City of Rockville
Planning Department
111 Maryland Avenue
Rockville, Maryland 20850-2364

Attn: Margaret Hall, Planner

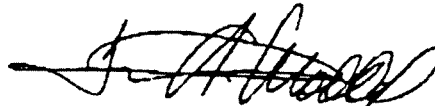
Re: John Law property

Dear Ms. Hall:

This is in reply to your request to determine the average lot area and frontage of existing lots within 500 feet of the subject property. Attached is a copy of part of the Montgomery County tax map with the study area outlined. As you can see from a review of this plan there is hardly an "average" lot considering the variation of sizes and shapes. In making my determination I only considered lots being used as residences.

Based on my review of assessment records, plats within the study area the average lot area is 12,300 square feet and the average lot frontage is 84 feet. I hope this information will serve your intended use. If you have any questions on this matter please contact me.

Yours truly,



Thomas A. Maddox

cc: John Law

Abdul & Natasha Jarrah
107 West Argyle Street, Rockville, MD 20850
(301) 279-7965 ph / (301) 738-1175 fax

October 21, 1998

To the Planning Commission of Rockville,

Dear Members of the Planning Commission,

As neighbor's of Dr. Law. we are submitting this letter in support of his petition to subdivide his property in order to sell the vacant lot to a home builder who will in turn build a new home on it. We know of no reason why Dr. Law should not be granted approval to do the above. If you have any questions, please feel free to contact us.

Sincerely,



Natasha and Abdul Jarrah



Rory S. Coakley Realty, Inc. • 20 Courthouse Square • Suite 106 • Rockville, Maryland 20850

(301) 340-8700 • Fax: (301) 340-6380

To: City of Rockville Planning Board

From: Rory S. Coakley, President *RSC*

Re: PLT 98-0150

Date: October 21, 1998

I have reviewed the subdivision application referenced above. The proposed subdivision of the parcel into two lots of 8429 s.f. and 9056 s.f. is in keeping with the typical lots on South Van Buren Street and the surrounding neighborhoods. As a real estate professional involved in both brokerage and appraisal, my firm handles numerous transactions and appraisals in the subject's area. I firmly believe that the subdivision will not have a negative impact on the neighborhood; but, rather it will have a very positive impact. The positive impact will come in the form of a brand new \$400,000-\$500,000 home to be built on the new lot. It is my understanding that local builder John Dufief will construct the home. His firm does nothing but high quality work and he will undoubtedly build a home that harmonizes with the existing homes on the street.

Dr. Law is an outstanding citizen in the community and he is not asking for anything special. It appears that this subdivision is allowable and by right in the zoning code. I respect the opinions of all concerned citizens; however, the little opposition mounted against this application is unfounded and unsupported by any empirical data. Please rule in favor of the applicant, Dr. Law. Thank you.

126 South Van Buren Street
Rockville, Maryland 20850
October 21, 1998

City of Rockville Planning Division
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Application PLT98-0150
100 S. Van Buren Street

Dear Commission members:

I am writing a letter stating my family's opposition to the resubdivision of the historic property currently owned by Dr. John Law on West Jefferson Street in Rockville. I am writing on behalf of my late grandfather, John Gordon McDonald, former City Manager of Rockville, who built the beautiful house located on 126 South Van Buren St., where my mother Elizabeth McDonald Landfair currently resides with her husband William Landfair. I am also writing on behalf of my late father, John Gordon McDonald, Jr. who was a Montgomery County employee for over 30 years and who instilled in me and my two brothers the importance of being from Rockville as we grew up. As a child, I never truly understood my father's lament when the quaint town he knew as a boy was destroyed to erect high rise buildings as well as a so called mall in the center of Rockville until now.

I suppose progress is inevitable but I truly believe the progress I have seen lately has sped through the town and county that I love like a runaway freight train. When I raise my children in Rockville, they will never be able to view picturesque tracts of land that existed when I grew up, such as the Chestnut Lodge property or King Hill Farm for progress has turned this land into a sea of large houses on small lots of land. I cringe as I drive past my alma mater, Richard Montgomery High School, which has been hidden by a gigantic Mario furniture building. The only charm that remains in Rockville is the established residential neighborhoods, including the historic district of Rockville. Unfortunately, some of these unprotected properties on West Montgomery Avenue, Forest Avenue and Great Falls Road have already fallen under siege to builders without any consideration for estheticism or symmetry to the surrounding residences. Now the train of progress has stopped on our street and I believe there is a law that exists in the city code which protects the value of existing properties in my mother's neighborhood and which is currently being ignored by the planning office.

The average square footage of the houses close to the Law property on S. Van Buren St. exceeds 20,000 square feet. The average square footage of the houses within a 500 foot radius of the Law property exceeds 14,000 square feet. This proposed 9,000 square foot lot does not come close to touching these averages. I would hope that the historical foundation and planning office would not approve building on a historic property that would be disproportionate to the surrounding residences on the street. The current presence of a swimming pool is not a good enough reason for creating such a small lot.

In our opinion, this neighborhood has been subdivided enough. Our side of the street has remained untouched for almost 60 years and the remaining street for over 30 years. People in the surrounding metropolitan area now equate Rockville with the commercialism that is present on Rockville Pike. Few Washingtonians are familiar with the dwindling historic town that remains and which has been named in previous years "Hometown U.S.A." I am writing this letter because I'm passionate about the neighborhood where I was raised. My ancestors have lived in this town since the 1800's. The decision ultimately rests in your hands but if approval of this small lot is granted, then a precedent is set for other remaining property to be destroyed on South Van Buren St. Please take our concerns under careful consideration. I hope one day the children I have grow up on what we believe to be the most beautiful street in Rockville like I did and my father did before me.

Sincerely,

Mary Elizabeth McDonald

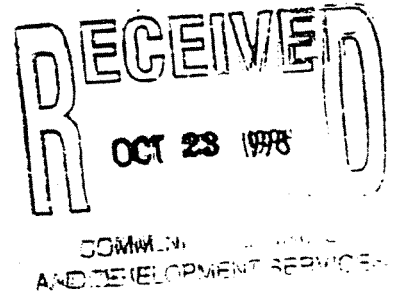
Mary Elizabeth McDonald

Elizabeth McDonald Landfair

Elizabeth McDonald Landfair

Harry E. Bailey, Jr. and Catherine R. Bailey
106 West Argyle Street
Rockville, Maryland 20850-2326
301-251-9673

October 21, 1998



Mr. Robert Spalding, Chief
Rockville City Planning Commission
Department of Community Planning and Development
111 Maryland Avenue
Rockville, Maryland 20850

Re: Subdivision Application PLT98-0150
100 South Van Buren Street

Dear Mr. Spalding:

My husband and I are Rockville City residents for the past 25 years, and neighbors of the referenced property. This letter represents our **support of Dr. Law's proposal** to subdivide the referenced property. We have no objection to an additional single-family dwelling being built on Lot 21 at that location. Many residents have double lots in our subdivision, and the essence of Dr. Law's proposal is exactly why we bought a double lot- the security of real estate in Rockville being so desirable! My husband and I consider it a privilege to support this proposal.

If I can be of further assistance in this matter, please do not hesitate to contact me at my office 301-496-9363, or my husband at the residence phone above.

Very truly yours.

Handwritten signature of Cathy Bailey.

Law Offices of Nancy M. Floreen

401 East Jefferson Street
Suite 203
Rockville, Maryland 20850
301.340.3055 fax 301.340.8653
email floreen@hers.com

October 28, 1998

BY HAND DELIVERY

Ms. Jane Fry-Emond
Chair
City of Rockville Planning Commission
111 Maryland Avenue
Rockville, MD 20850-2364

Regarding: Request for Reconsideration of PLT98-0150,
Lots 20 and 21, Block 3, Dr. John Law

Dear Ms. Fry-Emond:

I represent Dr. John Law with respect to the above referenced record plat which four members of the Commission heard on October 21. Pursuant to Rule 36 of Robert's Rules of Order, we respectfully request that the Planning Commission reconsider Dr. Law's request for record plat approval at its next scheduled meeting.

As the tape of the Commission's October 21 hearing indicates, there was some confusion as to whether Dr. Law's application was a subdivision or a resubdivision subject to the additional standards of Section 25-749 of the Rockville Code. Apparently at the urging of an opposing resident, Dr. Green, the Commission was led to believe that the property had been previously subdivided, and so was subject to the resubdivision criteria which permit the Commission to consider the frontage and lot area of nearby lots in evaluating record plat approval requests. Please be advised that this was in error.

We have attached for your review a number of documents from the Peerless Rockville file detailing the history of transfers of Dr. Law's property. In particular, this material points out that Dr. Law's property was not the subject of the deed sale in 1922 which Dr. Green asserted would be a basis for finding that it had previously been the subject of a "subdivision." In fact, at that time the heirs of the owners of the property sold off some adjoining land, but did not include the property containing what was then known as the Johnston/Prettyman house. Peerless Rockville's thorough research reflects that the property on which the home was located has been transferred by deed since 1840. During all its years, the Johnston/Prettyman house has never been "divided" out of another piece of land. This fact is reflected in the City's maps, which show it as a parcel, not as a numbered lot. Your staff report reflects that it is a "previously unrecorded, deeded lot." There is no question that the property has never been the subject of a recorded plat of subdivision or subjected to City subdivision review and approval at any time in the past, nor is

there any doubt that the proposed lot 21 fully meets the requirements of the R-90 zone. Thus, in no instance has the property been "subdivided" as that term is commonly and historically used.

Obviously, if the Commission's view were the case, all properties which it reviews in the subdivision context would be subject to the resubdivision criteria, because they all have been transferred, at some time, by deed, and at some point in history have been part of a larger tract. But such an interpretation is not supported by the City's Code. The Rockville subdivision language clearly recognizes that resubdivision is a subcategory of "subdivision" in its definitions at Section 25-1 of the Code. While the Rockville Code does not provide the Commission with a definition of "resubdivision," we do refer you to the Montgomery County Code, which defines it as "a change in any lot line of a recorded lot or parcel of land. Resubdivision includes the assembly of recorded lots or parts of lots." Montgomery County Code, §50-1. Insofar as the Rockville Code sets out the resubdivision standards for "any resubdivision of existing or undeveloped lots" at §25-749, it is reasonable to conclude that the use of the term "lot" in this context refers to recorded lots as well.

In its review and approval of the subdivision plan, the Historic District Commission properly treated Dr. Law's application as a "subdivision" and not a "resubdivision" as did your staff in their report on the matter. The minutes of its discussion of the proposal reflect the Historic District Commission's conclusion that the subdivision as proposed would have "no adverse impact on the Prettyman House and that any future construction should be compatible in siting, setback, mass, and materials with the established streetscape and historic house" and that "the new lot was not incompatible with the lot size and land use along Van Buren."

In addition, we draw your attention to Section 25-729 of the Rockville Code which applies to Dr. Law's request, characterizing it as a "minor" subdivision with the implication of less rigorous scrutiny, given the limited impact of the two-lot proposal which fully complies with the standards of the R-90 zone on an existing street.

Based on this updated background, we respectfully urge the Commission to reconsider its apparent conclusion that Dr. Law's request was subject to the resubdivision criteria. We hope that you will recognize that to apply such standards was in fact inconsistent with the actions of the Historic District Commission, the analysis of your staff and the history of the property. Moreover, the Planning Commission's stated concerns about the propriety of new construction on Van Buren Street will be more than adequately addressed by the Historic District Commission, the group to which the City has specifically delegated the historic review functions. They will, we are sure, impose its own high standards on lot development to ensure compatibility with the historic fabric of South Van Buren Street. It goes without saying that Dr. Law fully commits to compliance with the Historic District Commission's requirements in this regard.

Because these points create serious questions of law and practice with respect to the

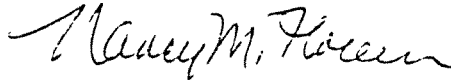
Ms. Jane Fry-Emond
Chair, Rockville Planning Commission
October 28, 1998

Page 3

appropriate standards to be applied in this matter, we believe that reconsideration is fully warranted under the circumstances.

We appreciate to the Commission's attention to this request of a long term Rockville resident attempting to straighten out his property affairs following his wife's death, and will be present at your next meeting to answer any questions you may have.

Very truly yours,



Nancy M. Floreen
Attorney at Law

Enclosures (3)
cc: Dr. Law

104 West Jefferson St.
Rockville, Maryland 20850

Part of Exchange & New Exchange Enlarged, Rockville 4th Dist

GENERAL SUMMARY

This house, lying at the intersection of West Jefferson and South Van Buren Streets, is one of the oldest homes in Rockville, Md. It was constructed prior to 1851 and substantially remodeled in 1876, but is virtually unaltered on the exterior since that time.

This property has been traced back to the original land grant of 1630 acres called Exchange and New Exchange surveyed in 1720.

From 1821-1968 it was the home through seven generation of the Holland/Johnston/Prettyman descendants. This family served the county and the City of Rockville in a variety of fields connected with government education, religion, the military and the law.

This property is now the residence and John and Margaret Law.

Prepared by: Anne W. Cissel

October, 1978

Sources:

Montgomery County Records (Land, Will, Taxes): Liber and Folios as documented, & Plat B/56

Maps: Martinet & Bond (1865), C. M. Hopkins (1879) p. 10

Photographs: Montgomery County Historical Society Collection, 066-001-123A and 066-001-123C

Portrait & Biographical Record of 6th Congressional District,
Chapman Publishing, New York, 1898 p. 669

Various sources in unpublished Prettyman family histories, Capt. Johnston's logbook, etc. (Montgomery County Historical Society)
Montgomery County Sentinel Newspaper, February 4th, 1876.

PRETTYMAN HOME - CHRONCLOGY

Year
Land Records

1720

1620 acres were surveyed for Arthur Nelson and named "Exchange and New Exchange".

This land was partitioned several times in the 18th century, however land records prior to 1777 are part of Frederick County records.

1812
Q/36

Thomas Williams to Thomas Linstead for \$378, part of tract called "Exchange and New Exchange Enlarged", containing 13 1/2 acres.

1823
W/584

"Whereas by decree of the Court of Chancery, Lewis Gassaway was appointed trustee and authorized to sell real estate of Thomas Linstead, deceased...Lewis Gessaway on 20 September, 1821 did sell to Soloman Holland, tract of parcel called Exchange and New Exchange Enlarged... adjoining Town of Rockville and containing 13 1/2 acres. Being part of the real estate of Thomas Linstead... for sum of \$450.00..."

1820-24
Tax Records
p 84
p.157

Soloman Holland had been Sheriff of Montgomery county in 1792. He was active in city and county affairs and one of the men charged with fulfilling charter for / or so establishment of Rockville Academy. He also donated land for Baptist Church. He owned lands on either side of Academy lot, but his home was on the east side of the Academy, on lots number 6 & 7 of plat of Rockville. He also owned lots 8-12, (unimproved). Lot 12-17 was Rockville Academy, and on west side of Academy lay his 13 1/5 acres of Exchange and New Exchange tract, un-numbered, being outside Town of Rockville.

1839
Wills - W 356
Liber 4, page 321

Soloman Holland died, leaving everything to his wife Matilda for use in her lifetime, unspecific as to children's legacy.

1840
BS 10/300/302

Deed of partition of SH. estate. Nathan Holland and brother Zacharias Holland agree to pay Matilda annual sum for her interest in estate. The two brothers, for their share, choose the land inside the Town of Rockville, Lots 6-12, approximately 11 1/2 acres. The daughter of Soloman Holland, Anne Holland Johns(t)on receives as her share the "Exchange and New Exchange" lot of 13 plus acres.

1840-1850

Erection of house by Captain Zacharias Forrest Johnson, United States Navy. This house is shown in photograph in Montgomery County Historical Society collection. Being numbered C66-CC1-123A (undated) The house is a frame, L-shaped, with dormer windows on second floor of both main mass and side ell. It has a pedimented small porch, no bay windows on the east side and small boxwood bushes lining front walk. It was taken (probably) prior to the Civil War. It is described as "Classical Revival" style.

1851
STS 5/212

This land record, dated 13 February, 1851 records the following receipt, "... for \$10.00 from S. Saonestreet ground in Baptist Burying Ground, adjoining and north of Captain Johnston's house."

1853-1865

Captain and Anne Johns(t)on had four daughters. One of them Lydia married noted educator Elijah Barrett Prettyman, in 1855. They made their home off and on with Mrs. Johnston when widowed. In the period 1853-1863 Prettyman served as principal of the Brookville Academy. Returning to Rockville in 1863 he was appointed as Clerk of the Circuit Court, a position he held for 22 years. The 1865 Martinet & Bond map shows the house in the name of E.B. Prettyman, although title to it had not yet passed to the Prettyman name.

1867
EBP 4/342

Anne Johnston grants to her son-in-law EBP and daughter 12 acres of "Exchange and New Exchange", bounded by public road leading from Rockville to the Great Falls of Potomac, same as conveyed by Lewis Gessaway to Solomon Holland, and same as conveyed to Ann Johnson, wife of Zacharias by Deed of Partition at BS 10/300. Cost: \$960.00 (This conveyance excludes the house lot)

1872
EBP 10/238

This deed was from all the remaining heirs of Anne Johnston and their spouses and conveys the remaining lacre and 12.5 perches of land and the house to EBPrettyman and Lydia. Cost: \$1440.00

1876 -February 4th
Montgomery Sentinel Newspaper: "Elijah B Prettyman house is nearly complete, directly west of Academy, main building 36 X two stories high, porches in front and rear-east front decorated with two bay windows. Contractor for carpenter's work - John B. Edmonston, Roof by Boule, painting by James Meehan."

1879
C.M. Hopkins May
p 10

E.B. Prettyman home and lot shown. Bounded by Jefferson Street, on the East- Rockville Academy and on the West side by Great Falls Road. Van Buren street is not cut through. Drawing of house shows two bay windows and porches.

1922
328/189

"Heirs of Elijah Prettyman and Lydia Prettyman, deceas agree to sell to Lydia Almoney Brunett, part of real estate, in town of Rockville, of which EBP and wife died seized...For \$10.00 Rosetta Prettyman et al to Lydia Brunett, ... with covenant that "no building, except residence and outbuilding costing no less than \$4,000 shall be built." (This is land south and west of house lot and does not include Johnston/Prettyma house)

1954
2981/648

William Prettyman et al to Charles and Ruth Prettyman
"remaining unsold land of Elijah Barrett Prettyman"
... bounded on the West by South Van Buren Street, on
the North by West Jefferson and on the East by lands of
Trustees of Rockville Academy (now Rockville Methodist
Church).. and on the south by land of (formerly) Lydia
Brunett... containing approximately 1 acre more or
less, but is assessed at 32,801 square feet... same
as described in a deed from Oscar Badger, et al to
Elijah Prettyman at EBP 10/238.

1968
3748/390

Ruth Prettyman, widow of Charles, grants to James
Hathaway same as recorded at 2981/648.

3932/149

James Hathaway to Mayor and Council of Rockville
3,668 square feet of land.

1974
4535/474

Deed from James Hathaway to John and Margaret Law
for parts of tract called "Exchange and New Exchange
Enlarged", City of Rockville... containing 27,538 square
feet... and improvements." Beginning for same at end
of 110 feet on 1st line of conveyance from Oscar Badger,
et al to Elijah Prettyman for 1.0 acres and 12 square
perches, recorded at EBP 10/238 and later conveyed to
J. D. Hathaway in 3748/390.. then to point on southerly
side of Jefferson Street, as now widened, then along
south side of said street..../"

Note: Certain variations of spellings such as Johnston/Johnson
are copied from the land records as is.

Anecdotes or "tales" connected with this house, such as those
surrounding Jeb Stuart on his way to Battle to Gettysburg are
undocumented and unsubstantiated, and therefore, omitted.

Maryland Historical Trust State Historic Sites Inventory Form

Survey No. M:26/10/3

Magi No.

DOE ☐ yes ☐ noReplaces 1976 Form
M:26/10/3

1. Name (indicate preferred name)

historic The Prettyman House

and/or common

2. Location

street & number 104 West Jefferson Street ☐ not for publicationcity, town Rockville ☐ vicinity of congressional district 8

state Maryland county Montgomery (RV Planning Area 1)

3. Classification

Category	Ownership	Status	Present Use	
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture	<input type="checkbox"/> museum
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational	<input checked="" type="checkbox"/> private residence
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes: restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
	<input checked="" type="checkbox"/> not applicable	<input type="checkbox"/> no	<input type="checkbox"/> military	<input checked="" type="checkbox"/> other: office

4. Owner of Property (give names and mailing addresses of all owners)

name John R. Law et ux.

street & number 104 West Jefferson Street telephone no.: 279-0990

city, town Rockville state and zip code Maryland 20850

5. Location of Legal Description

courthouse, registry of deeds, etc. Montgomery Co. Land Records liber 4584

street & number Montgomery Co. Courthouse folio 474

city, town Rockville state Maryland

6. Representation in Existing Historical Surveys

title National Register of Historic Places (1974)

date City of Rockville Historic District (1974) ☒ federal ☐ state ☐ county ☒ local

depository for survey records City of Rockville

city, town Rockville state Maryland

7. Description

Survey No.-M: 26/10/3

Condition		Check one	Check one
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input checked="" type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date of move _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Prepare both a summary paragraph and a general description of the resource and its various elements as it exists today.

The subject house faces north on West Jefferson Street, at the intersection of Van Buren on a narrow deep corner lot. The present Van Buren Street originally served as the lane to the house; its dedication reduced the side yard to a small garden enclosed on two sides by the house. Mature trees shade the house and grounds. A brick herringbone walkway leads to the house and surrounds an ancient tree on the street corner. Old boxwoods line the front walk, obstructing the path and hiding the building front. A driveway from Van Buren leads to a carport at the rear of the main block, enclosing the garden on the third side.

This frame 2-story center hall plan house with 2-story wing is L shaped overall. The three-by-two-bay main block is built on a brick foundation and topped with a low hipped roof covered with asbestos shingles. It has wide boxed eaves. The house is sheathed in beaded German siding on the north and east, the facades exposed to the (then) town, and plain German siding on the south and west with wide cornerboards and cornice with frieze and crown. There are two interior brick chimneys in the main block and one in the wing. The 2-story west wing has an asbestos shingled mansard roof and the foundation is parged with cement.

The original house of 1841 was designed as a 1-1/2 story side-gabled vernacular dwelling with a pedimented front portico in a popularized Greek Revival style. The house had an attached 1-1/2 story west wing and a rear wing. Two pedimented gabled dormers were set into the steep roof on both main mass and wing. In 1876 the house was enlarged and remodeled to Victorian tastes with the raising of the main block to a full two stories with attic, addition of a full width porch, a one-story bay on the east facade, and probably the modification of the west wing roof to a dormered mansard roof. Since these changes, the house has been little altered. (See photograph, attachment 7.3)

The north (front) facade consists of the east three-bay, two-story main block and west two-bay, two-story mansard roofed wing. The main block has three regularly spaced windows on the second story, and elongated, nearly door length windows in the first and third bays, first story. The predominant window type is 2/2 double hung sash, but 6/6 is also used as noted. Most have classic projecting crowned and capped lintels with a moulded strip below the sills and wooden louvered shutters except the wing dormer windows. On the east side only, two scroll brackets support the sills. A wood panelled exterior door with one-light rectangular transom and surrounds similar to the windows is in the center bay, flanked by brass carriage lamps. The main block full-width front porch is set on brick piers and has a low hipped roof supported by four square chamfered and fully capiteled columns. The front porch is accessed by three central wooden steps

continued on attachment 7.1

only, two scroll brackets support the sills. A wood panelled exterior door with one-light rectangular transom and surrounds similar to the windows is in the center bay, flanked by brass carriage lamps. The main block full-width front porch is set on brick piers and has a low hipped roof supported by four square chamfered and fully capiteled columns. The front porch is accessed by three central wooden steps flanked by a plain post, rail, and stick balustrade which continues around the perimeters of the porch. The porch rests on brick piers infilled with lattice panels. The slightly hipped seamed tin roof has four chamfered and capiteled wooden columns supporting a wide cornice.

The two-bay wing has four windows, one in each bay first and second story. The mansard roof extends down the facade to the top of the first floor main block windows with approximately a one foot overhang. The two second story dormer windows are set deeply into the mansard roof so that the sills with moulded trim below project only slightly and the flared pediment hoods somewhat more. In appearance, these windows seem almost flush with the roof. The top of the mansard roof has a overhang of several inches which is boxed with a crown moulding as the mainblock eaves. The first floor is nearly obscured by shrubbery.

The west facade consists of the narrow end of the 2-story wing with a one-story shed-roofed office addition and small enclosed entrance portico on the south side, the two-bay west side of the taller main block and a rear south-gabled one-story addition. The wing has one window first and second stories. The main block has one narrow window on the second story, north, by the mansard roof, and a window in the south bay. The first story has a central 6-light wood exterior door and an elongated window in the south bay. To its right is another wood panel exterior door. The addition has one small 6/6 window in the left bay and a larger 6/5 window in the right.

The south (rear) facade has an irregular massing created by additions to both wing and main block. The south side of the wing has two deeply set dormer windows on the second story as described before. The first story is occupied by the office addition with one centered window and 6-light wood panel exterior door. An aluminum storm door is in the entrance portico. The gable end of the rear addition has one 6/6 window and an ornamental weathervane on the gable peak. The rear of the three-bay main block has one window each bay of the second story. A shed-roofed screen porch with a screen door is in the center bay and one mainblock window in the right bay, first story.

The two-bay east facade has one window in the south bay, first and second stories. The north bay has one window, second story, and a flat-roofed, 3-sided, 3-windowed projecting bay on the first story.

continued on attachment 7.2

Interior:

Although updated, many of the original interior features and the floor plan of the main block were retained. Handsome woodwork (baseboards, window and door trims, stair balustrade) and fireplace mantels remain intact. The exception is the black walnut and oak paneled library or rear parlor, described in the 1876 Sentinel (attachment 8.3), which has been removed.

The west wing is accessed through the dining room or front parlor by an enclosed hyphen and descending steps. This area was substantially altered to provide a modern kitchen and informal living room. The second floor now serves as the owner's dental office, accessible through a centrally placed interior stairway.

M: 26/10/3
The Prettyman House
Attachment 7.3

104 West Jefferson before 1876
(tentatively dated by family Fall, 1873)



PHOTO DATED 1873 BY
PRETTYMAN FAMILY
PHOTO - MONT. CO. HISTORICAL SOCIETY

8. Significant

rvey No. M:26/10/3

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input checked="" type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input checked="" type="checkbox"/> politics/government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention	<input type="checkbox"/> 1876 alterations/addition	<input type="checkbox"/> other (specify)
1841-42, altered 1876		James H. McGill architect		
Specific dates additions 1876		Builder/Architect James B. Edmonston, builder		

check: Applicable Criteria: ☐ A ☐ B ☐ C ☐ D
and/or
Applicable Exception: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G
Level of Significance: ☐ national ☐ state ☐ local

Prepare both a summary paragraph of significance and a general statement of history and support.

Significance
The Prettyman house is architecturally noteworthy as an example of an 1840s popularized Greek Revival vernacular house, remodeled and enlarged to its present configuration in 1876. It is associated with five generations of the Johnston-Prettyman family who were notable in public service, education, religion, and the military.

History and Support

Solomon Holland was the Register of Wills for Montgomery County from 1808 until his death in 1839. After his death his late 18th century home on South Washington Street (Site M:26/11/5) devolved to his sons. His wife, Matilda, chose a 13-1/2 acre lot at the western boundary of the Town of Rockville adjoining the Rockville Academy, across from the Baptist Cemetery, and stretching south along the Road to Great Falls. 1/ On this site in 1841-42, the subject house was constructed for Capt. Zachariah F. Johnston and his wife Anne Holland Johnston, daughter of Solomon and Matilda Holland. 2/ The house is specifically mentioned in a receipt dated 1845 for a burial plot in the cemetery.

A photograph of the Prettyman family and the house taken in 1873 shows the appearance of the original house before alteration. The 1-1/2 story frame dwelling had gabled dormers, exterior end chimneys, and a side wing. The front facade was decorated by a pedimented entry porch with classical columns in the Greek Revival style. 3/ (Photo, attachment 7.3)

Capt. Johnston served 41 years in the U.S. Navy. One of his tours of duty included patrolling the Pacific waters off the coast of California during the 1849 Gold Rush. 4/ According to the 1850 census this Rockville residence sheltered his wife, his mother-in-law and his five daughters.

continued on attachment 8.1

Johnston's eldest daughter married Oscar Badger, USN; that branch of the family continued the Naval tradition for three generations. His daughter Mary married Cooke Luckett, teacher and later Principal of the Rockville Academy. His second daughter Lydia was 17 years old in 1850.

Elijah Barrett Prettyman was the son of a Methodist Minister, a graduate of Dickinson College, and a teacher when he came to Rockville in 1851 to read law with Judge Richard Bowie. 5/ He and Lydia Johnston were married in 1855, by which time he had become Principal of the Brookeville Academy. He remained in Brookeville until 1863 when he returned to Rockville to become Clerk of the Circuit Court for Montgomery County, a public office he held for 22 years.

Mrs. Holland sold the 12 acres surrounding the residence to Elijah for \$960 in 1867, but retained title to the house until her death in 1870. Elijah bought the homestead from the other heirs for \$1,440 in 1872. 6/

Washington D.C. Architect James H. McGill was engaged to remodel and enlarge the old house in the newest Victorian style. He substituted a full width "Piazza" on the first floor for the original porch. Changes to the fenestration and roof lines are shown on the extant elevations and plans, "Drawings of Alterations and Additions to the E.B. Prettyman House, Rockville, Md", now held by the present owner. The Sentinel of December, 1876 (see attachment 8.3) noted the completion of the work by local contractor John B. Edmonston and described the size of the house and its custom features such as black walnut panelling in the library, rose tinted wallpaper and the latest silver Latrobe stoves. The kitchen wing is not shown on the architectural drawings, but it is believed that the mansard roof now present on this wing was done at the same time. 7/

Some of the surrounding acreage was sold later as the west end of Rockville became a desirable suburban address. One lot was sold to Mr. Prettyman's deputy R.S. Patterson. Both Marian Prettyman, who married local newspaper publisher Albert Almone, and the widowed Sophia Higgins purchased lots on the west side of the Prettyman stable lane, later platted as South Van Buren Street.

In 1899 Mr. Prettyman was appointed the third State Superintendent of Schools: at that time the job also included the position as Principal of the State Normal School at Towson. He retired to Rockville in 1905 and died two years later. Lydia Prettyman died in 1919; subsequent occupants of the house included the children and grandchildren of the couple, including the widower Rev. Forrest Prettyman, Chaplain of the U.S. Senate; Miss Lydia Prettyman, Deputy Register of Wills for Montgomery County, and various maiden aunts. 8/ Financial considerations forced the sale of most of the property with its grove of chestnut trees. The land on Falls Road was sold for development, and the stone dairy, stable and other outbuildings disappeared as Van Buren Street was extended southward.

Charles Wesley Prettyman and his wife Ruth were the last of the family to own the house. Mr. Prettyman was an attorney and member of the Rockville City Council. By the time of their purchase in 1954 the old house was badly deteriorated and required rehabilitation and modernization.

Between 1968 and 1974 James Hathaway owned the house; since 1974 it has been the property of John Law, D.D.S. who maintains his office on the second floor of the old kitchen wing. 9/

This once quiet neighborhood is now threatened by the heavy traffic, pollution and noise which are the products of its proximity to three heavily travelled arteries into Rockville.

Footnotes:

1. Montgomery County Wills W356(1839) and Montgomery County Land Records BS10/300-302 (1840). Boundary Stone II of the Town of Rockville was planted in 1803 at the southwest corner of the Rockville Academy lot, one of the eastern boundaries of the subject property.
2. Land Records, STS 5/212 (1851). The date of construction is based on a rise in the assessed value of the property from \$574 to \$1,800 in the 1841-42 Tax Assessment records.
3. Montgomery County Historical Society Photograph Collection # 066-001-123A, date provided by Prettyman family as Fall, 1873.
4. Montgomery County Sentinel March 25, 1859 obituary. His log book for the "Forty-Niner" period was donated to the Montgomery County Historical Society, but has not been seen for 15 years.
5. Men of Mark in Maryland, Johnson-Wynn Co., (D.C.) 1907, Vol.I, p. 291 and Abstracts of the Minute Books of the Brookeville Academy.
6. Land Records, EBP4/342 (1867) and EBP 10/238 (1872). Although Mr. Prettyman is shown as the owner/occupant of the house on the Martinet & Bond Map of 1865, this is an error as is the outline of Jefferson Street all the way to Falls Road; until the 1890's, Jefferson Street was a dirt path at this point.
7. Two years later, Edmonston constructed a mansard-roofed house for H.W. Talbott nearby at 208 West Montgomery Avenue.
8. Prettyman family genealogies, newspaper articles and church records of various dates 1855-1954.
9. Land Records 2981/648 (1954), 3748/390 (1968) and 4585/474 (1974). The kitchen wing suffered a fire in 1906 which the Sentinel of November 16 said left that portion a "wreck" but did little damage to the main building.

ROCKVILLE LAND MARKS
JEFFERSON ST. # 104
"PRETTYMAN HOUSE"

M: 26/10/3
The Prettyman House
Attachment 8.3

MONTGOMERY COUNTY SENTINEL
December, 1876

LOCAL AFFAIRS.

A Handsome Residence.—E. B. Prettyman, Esq., Clerk of the Court for this county, has nearly completed the erection of a handsome new dwelling house on his place, directly west of the Academy. The main building is thirty-six by forty feet, two stories high, with porches in front and rear, the east front being decorated with a handsome bay window. The rooms are all large, well lighted and ventilated in the best manner. The contractor for the carpenter's work, Mr. Jno. H. Edmonston, has completed his work in a manner to reflect credit upon himself and assistants. The roofing was executed in good style by Mr. Louis Viatt, of this place. The painting of the entire building was executed by Mr. Jas. Mehan, and for beauty of finish is certainly equal, if not superior, to any work of the kind in this section. The parlor is superbly finished in French embossed paper with light rose tint ceiling, trimmings and doors gloss white. The large library in the rear of the parlor is a very handsome room, finished in black walnut and oak panel with chestnut trimmings and French black walnut wainscoting. The ceiling is handsomely balustraded in two different colors and decorated with a beautiful centrepiece. A spacious hall traverses the centre of the building on both floors, and is finished in balustrading, with black walnut doors and trimmings. The four bed-rooms are beautifully finished, each one being of a different color—blue, pearl, rose and grey. The dining-room is finished in oak with a palleted floor. The parlor library and two of the chambers are heated by a "Silver Palace Radiant Heater." For convenience this building has no superior in this vicinity.

SENTINEL—DEC. 22, 1876

9. Major Bibliographical Reference

Survey No. M:26/10/3

Montgomery County Land, Will, Equity and Tax Records. Montgomery County Sentinel, 1855-1954; Montgomery County Historical Society: photographs, maps, Prettyman Collection of documents, histories and genealogy, Architectural drawings (1876).

10. Geographical Data

Acreage of nominated property 27,538 square feet

Quadrangle name _____

Quadrangle scale _____

UTM References do NOT complete UTM references

A

--	--	--	--	--	--	--	--	--	--

Zone Easting Northing

B

--	--	--	--	--	--	--	--	--	--

Zone Easting Northing

C

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D

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G

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H

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Verbal boundary description and justification

Fronting on the south side of West Jefferson Street and bordering the east side of South van Buren Street.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title	Anne Cissel	Judy Christensen, Arch. Description
organization	Peerless Rockville	date 1976, revised Dec. 1985
street & number	P.O. Box 4262	telephone 762-0096
city or town	Rockville	state Maryland 20850

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 supplement.

The survey and inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

return to: Maryland Historical Trust
Shaw House
21 State Circle
Annapolis, Maryland 21401
(301) 269-2438

Attachment 6-36

PS R.175

ACHS SUMMARY FORM

1. Name Prettyman House

2. Planning Area/Site Number 26/10

West Montgomery Avenue HD

4. Address 104 West Jefferson Street
Rockville, Md.3. MNCPPC Atlas Reference Map 15
Coordinate G-13

5. Classification Summary

Category buildingOwnership privatePublic Acquisition N/AStatus occupiedAccessible noPresent use private residencePrevious Survey Recording

MNCPPC-County, Local-1976

National Register-Federal-1975

Rockville Historic District

Commission-1974

Federal State County Local

6. Date 1851

7. Original Owner Capt. Zachariah
Johnston

8. Apparent Condition

a. excellentc. original siteb. altered

9. Description : This rectangular 2½ story, 3 bay by 2 bay, frame house fac north. The main (east) section of the house is built on brick foundations, and has a low hipped roof covered by asbestos shingles. There are two interior chimneys, and a one story bay window on the first floor. This section has a front porch with quarter hipped roof and balustraded railing. The double windows flanking the front door are unusually long and reach the porch floor. The west addition was made to the house during a major remodeling in 187. It has poured concrete foundations, and a mansard roof covered by asbestos shingles. There are 2 dormer windows flush against the north side of the roof. There is an interior chimney in this section. There is a lovely private garden at the back of the house.

10. Significance: This house is one of the oldest in the city of Rockville. For almost 150 years the property has been owned or occupied by one family whose succeeding generations have served Montgomery County and the city of Rockville with distinction in the fields of education, religion, law and the military.

One of the first sheriffs of Montgomery County, Solomon Holland, purchased 13.5 acres here in 1821, and passed it to his daughter Anne Johnston. She and her husband Captain Zachariah Forrest Johnston, U.S.N., built the house about 1851. One of the four Johnston daughters married educator Elijah Barrett Prettyman, who served as principal of the Brookeville Academy from 1853-63, and as Clerk of the Montgomery County Circuit Court from 1863-85. The Prettymans extensively remodeled the house in 1875-6, adding the mansard roof, large porch, and bay windows on the east side.

The Prettyman son (William) and grandson (Charles) also lived here. They were attorneys, active in County politics, religious, and community affairs. They served as trustees and administrators for the Rockville Academy next door. In 1922, 12 acres was sold off, and the remaining acre passed from the family in 1968. The present owner uses the property as a combined residence and office.

11. Compiler Eileen McGuckian

13. Date Compiled 2/79

14. Designation
Approval

12. Researcher/Date: Anne W. Cissel Nov. 1973

Candy Reed/Architectural Description

Attachment 6-37 176

MARYLAND HISTORICAL TRUST

M: 26/10
West Montgomery HD
Magi #

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC

Prettyman House.

AND/OR COMMON

2 LOCATION

STREET & NUMBER

104 West Jefferson Street

CITY, TOWN

Rockville

— VICINITY OF

CONGRESSIONAL DISTRICT

8th

STATE

Maryland

COUNTY

Montgomery

3 CLASSIFICATION

CATEGORY

OWNERSHIP

STATUS

PRESENT USE

—DISTRICT

—PUBLIC

☒ OCCUPIED

—AGRICULTURE

—MUSEUM

☒ BUILDING(S)

☒ PRIVATE

—UNOCCUPIED

—COMMERCIAL

—PARK

—STRUCTURE

—BOTH

—WORK IN PROGRESS

—EDUCATIONAL

☒ PRIVATE RESIDENCE

—SITE

PUBLIC ACQUISITION

ACCESSIBLE

—ENTERTAINMENT

—RELIGIOUS

—OBJECT

—IN PROCESS

—YES: RESTRICTED

—GOVERNMENT

—SCIENTIFIC

—BEING CONSIDERED

—YES: UNRESTRICTED

—INDUSTRIAL

—TRANSPORTATION

☒ NO

—MILITARY

—OTHER:

4 OWNER OF PROPERTY

NAME

John and Margaret Law

Telephone #: 279-0990

STREET & NUMBER

104 Jefferson Street

CITY, TOWN

Rockville

— VICINITY OF

STATE, zip code

Maryland 20850

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,

REGISTRY OF DEEDS, ETC.

Montgomery County Courthouse

Liber #: 4584

Folio #: 474

STREET & NUMBER

CITY, TOWN

Rockville

STATE

Maryland 20850

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

Rockville Historic District Commission Survey

DATE

1974

—FEDERAL —STATE —COUNTY —LOCAL

DEPOSITORY FOR
SURVEY RECORDS

Rockville City Hall

CITY, TOWN

Rockville

STATE

Maryland

☒ DESCRIPTION

CONDITION

☒ EXCELLENT
☐ GOOD
☐ FAIR

☐ DETERIORATED
☐ RUINS
☐ UNEXPOSED

CHECK ONE

☐ UNALTERED
☒ ALTERED

CHECK ONE

☒ ORIGINAL SITE

☐ MOVED

DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

This rectangular, two and a half story, three bay by two bay, wood frame house is in excellent condition. Built on a corner lot close to West Jefferson Street, near the heart of the city of Rockville, it faces north.

The main (east) house is built on brick foundations while the west addition has poured concrete foundations. The north and east elevations have white novelty siding and the south and west elevations have white clapboarding. There is a porch on the north (front) elevation of the east section. This porch has a quarter hipped roof which is supported by four chamfered wooden posts. A balustraded railing encloses the porch except where the steps from the walk lead up to the porch. The north (front) door is wooden paneled and is surmounted by a single light transom. The double windows flanking the north door are unusually long and reach the porch floor. There is a one story bay window at the first floor in the northeast corner of the east elevation. These windows are all two-over-two double hung. They are surmounted by simple carved wooden lintels and flanked by black wooden louvered shutters.

The main (east) house has a low hipped roof covered by asbestos shingles. The west addition has a mansard roof covered by asbestos shingles. There are two dormer windows sit flush against the north mansard roof. These two-over-two double hung windows have molded lintels with a peak at the center. There are two interior chimneys in the east section and one interior chimney on the west section.

There is a lovely private garden at the back of this house.

CONTINUE ON SEPARATE SHEET IF NECESSARY

Attachment 6-39 3

SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input checked="" type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> ARCHITECTURE	<input checked="" type="checkbox"/> EDUCATION	<input checked="" type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input checked="" type="checkbox"/> OTHER (SPECIFY)
	<input type="checkbox"/> INVENTION			Local History

SPECIFIC DATES Built 1851
Remodeled 1876

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

This house is one of the oldest in the city of Rockville. For a 150 years the property has been owned or occupied by one family whose succeeding generations have served Montgomery County and the city of Rockville with distinction in the fields of education, religion, law and military.

As part of the original "Exchange and New Exchange" grant, one of the first Sheriffs of the county, Solomon Holland, purchased 13.5 acres in 1821. Holland was also instrumental in fulfilling the charter for establishment of the Rockville Academy and the establishment of the Rockville Female Seminary. At his death in 1839 his estate passed to his wife then to his children. In 1840 partition of his estate was made, and this 13.5 acre tract was deeded to his daughter Anne H. Johnston. Anne was married to Captain Zachariah Forrest Johnston, and in 1851 the house was built.

Contemporary photographs of the house circa 1850-1860, show the "classical revival" home, with small pedimented porch and dormer window on both main mass and west wing.

One of the four Johnston daughters married educator Elijah Barrett Prettyman. From 1853-1863 he served as principal of the Brookeville Academy, returning to Rockville in 1863 to serve as Clerk of the Circuit Court of Montgomery County, a position he held for 22 years. The 1865 Martinet & Bond map names E.B. Prettyman as occupying the house although title did not pass to him and his wife from her mother until later. In 1867 Prettyman purchased the 12 acres surrounding the house for \$9600.

In 1872 the final acre, including the house, was sold to for \$14405.

In 1876 extensive remodeling of the house was undertaken to modernize and introduce the newest architectural details, such as the mansard roof, larger porch and addition of bay windows on the east side. The Montgomery County Sentinel newspaper pronounced the house "nearly complete" in its edition of February 4, 1876.

The Prettyman son (William) and grandson (Charles) continued to occupy the house in later years. They were attorneys, active in county political, religious and community affairs. Like the Hollands and the elder Prettyman, they served as trustees and administrators for the Rockville Academy which was adjacent to their own property.

Through the years the exterior of the house remained virtually unchanged.

CONTINUE ON SEPARATE SHEET IF NECESSARY

Attachment 6-40

(continued on attachment R.179)

Attachment Sheet A

In 1922 the surrounding acreage was divided, with 12 acres sold to Lydia Almoney Brunett, one of the Prettyman heirs.⁷ The last acre, including the house lot, passed from the Prettyman family in 1968.⁸ A strip of the lot was deeded to the Mayor and Council of Rockville for street widening in 1969.⁹

The present owner is John Law who uses it as a combined residence and office.¹⁰

Footnotes

1. Land Records of Montgomery County, (BS 10/300; BS 10/302)
2. Montgomery County Assessment Records, 1841-52, p. 230 (See receipt at STS 5/212: "...for \$10.00, from E. Stonestreet, ground in the Baptist Burying Ground, adjoining and north of Captain Johnston's house")
3. (Photo 066-001-123A) (undated), Montgomery County Historical Society's Photograph Collection
4. Land Records of Montgomery County (EBP 4/342)
5. Ibid., (EBP 10/238).
6. (Photo 066-001-23C) (1835), Montgomery County Historical Society's Photograph Collection
7. Land Records of Montgomery County, Md., 328/189.
8. Ibid., 3748/390.
9. Ibid., 3932/149.
10. Ibid., 4585/474 (1974).

MAJOR BIBLIOGRAPHICAL REFERENCES

See attached sheet B.

CONTINUE ON SEPARATE SHEET IF NECESSARY

GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY 27,538 square feet, part of tract called "Exchange and New Exchange Enlarged", City of Rockville, Rockville District.

VERBAL BOUNDARY DESCRIPTION

Bounded on the north by West Jefferson Street, on the east by the Rockville Academy lot, on the south by land of (formerly) Lydi Bruntett and on the west by South Van Buren Street.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE

COUNTY

STATE

COUNTY

FORM PREPARED BY

NAME / TITLE

Anne W. Cissel

Candy Reed

Architectural Description

ORGANIZATION

Sugarloaf Regional Trails

DATE

November 1, 1973

STREET & NUMBER

Box 87

TELEPHONE

926-4510

CITY OR TOWN

Dickerson

STATE

Maryland 20753

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature, to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 Supplement.

The Survey and Inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

RETURN TO: Maryland Historical Trust
The Shaw House, 21 State Circle
Annapolis, Maryland 21401
(301) 267-1438

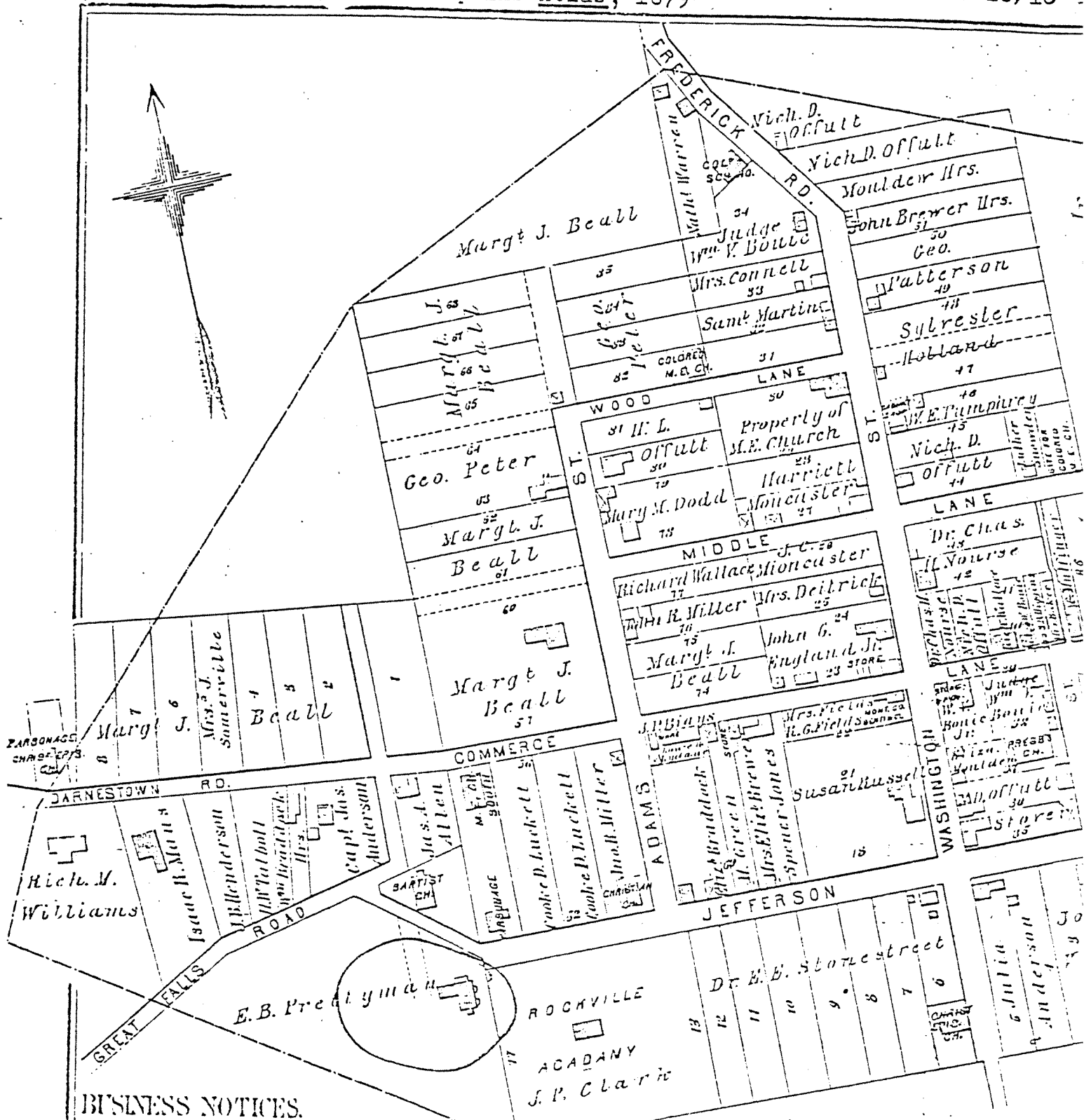
SUGARLOAF REGIONAL TRAILS
Box 87, Strongsville
Dickerson, Md. 20753
(301) 926-4510

Attachment 6-42

R.181

BIBLIOGRAPHY

1. Land Records of Montgomery County, Md.
2. Montgomery County Assessment Records: Fourth District (1840), p.77;
(1841-52) p.230
Third District (1820-1824)
pp. 28,84,157.
3. Will Records, Montgomery County
4. Montgomery County Sentinel
5. Photographs of the Montgomery County Historical Society.
6. Martinet & Bond Map, 1865.
7. Portrait & Biographical Records of the 6th Congressional District,
Chapman Publishing Co., 1898, p. 669.
8. Steiner, Bernard, Man of Mark in Maryland, Washington, D.C.:
1907, p. 291.
9. "Recollections of William F. Prettyman", 1973
10. Undated architectural drawings of house plan in possession of
Dr. and Mrs. Law.
11. C. M. Hopkins (1879) Map, p. 10.
12. Various sources in unpublished Prettyman family histories, Capt.
Johnson's logbook, etc. (Montgomery County Historical Society).



BUSINESS NOTICES.

ATTORNEYS AT LAW.

Spencer C. Jones,
Attorney at Law and Solicitor in
Chancery.
Rockville, Md.

Hattersly W. Talbot,
Attorney at Law,
Office on Ferry St.

Anderson & Bonie,
Attys. at Law & Solicitors in Chancery,
That, however, W. V. House, Jr.

James Dawson,
Attorney at Law.

John T. Vinson,
Attorney at Law.

Peter & Henderson,
Attorneys at Law,
Rockville, Md.

MERCHANTS.

James P. Biags
Dealer in Dry Goods, Groceries,
Notions, etc.

D. F. Owens,
Dealer in Dry Goods, Groceries, Notions,
Glass, Stationery, Seeds, Eggs and
Fruit and Cigars.

David H. Bonie,
Dealer in Dry Goods, Groceries, and
Household Goods generally.

Stephen B. Laidlaw,
Dealer in Groceries, Flour, Lard, etc.,
Fruit, etc., Agricultural Implements, etc.,
Opp. H. B. Bond.

MISCELLANEOUS.

Henry Ausley,
Manufacturing and repairing all kinds of
Singer Sewing Machines.
Rockville, Md.

W. H. Crismond,

Hair Dressing and Shaving Saloon,
also Hair Cutters and Shave Parlor,
on the main line.

Wm. Wilson,
Agent for P. Zell & Sons,
of Baltimore, Md.,
Manufacturers of Perfumery.

Attachment 6-44

110, Baltimore, South T. 11, 113

THE PRETTYMAN (LAW) HOUSE AT 104 WEST JEFFERSON STREET

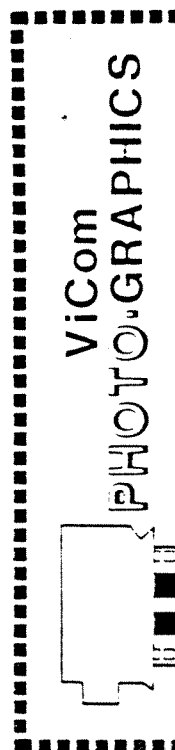
This house, known to old-timers as the "Prettyman house", is one of the oldest in the City of Rockville, having been constructed before the building "boom" of 1880-1900.

Solomon Holland, one of the first sheriffs of Montgomery County, purchased 13.5 acres of "Exchange & New Exchange" in 1821. After his death in 1839, this tract was deeded to his daughter Anne, who married Captain Zachariah Forrest Johnston, U.S. Navy. We know the Johnstons built their house prior to 1851, for in that year E. Stonestreet purchased a lot in the Baptist Burying Ground, "adjoining and north of Captain Johnston's house". J.E.B. Stuart stopped at the house when he came through Rockville on his way to Gettysburg in 1863.

One of the four Johnston daughters married educator Elijah Barrett Prettyman, who served as Clerk of the Montgomery County Circuit Court for 22 years. They purchased 12 acres surrounding the house in 1867 for \$960, and the final acre (including the house) 5 years later for \$1440. In 1876 the Prettymans remodelled the house extensively, introducing the newest architectural details such as the mansard roof, large porch and bay windows on the east side. What is now South Van Buren Street was the stable lane.

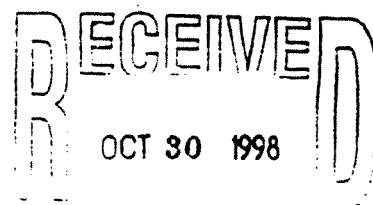
The Prettyman son (William) and grandson (Charles) occupied the house in later years. They were attorneys, active in politics, religious and community affairs. Like the Hollands and the elder Prettyman, they served as Trustees and administrators for the Rockville Academy, adjacent to their own property.

In 1922, the surrounding acreage was divided, but the house and one acre remained in the Prettyman family until 1968. The present owner is John Law, who uses it as a combined residence and orthodontist's office.



-- Information From Peerless Rockville

126 South Van Buren Street
Rockville, Maryland 20850
301-424-6429



COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

October 30, 1998

Ms. Margaret Hall
Community Planning Division
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Planning Commission Denial of Application PLT98-0150

Dear Ms. Hall:

I attended the Public Hearing on October 21 regarding Application PLT98-0150 to resubdivide the property of Dr. John Law. When the application was denied by the Planning Commission I assumed that the matter was concluded; I now understand that this may not be the case. My husband, William E. Landfair, talked with the Planning Division Director, Mr. Spalding, on October 27 and during their conversation, my husband asked that our neighborhood be informed should the Planning Commission reconsider Application PLT98-0150.

I would like to formally request that if and when any attempt is made to overturn this ruling or to consider another proposal regarding the property in question, that we and our neighbors are informed in a timely manner. I understand that Mr. Spalding stated the most formal method of appealing the matter would be for Dr. Law to take it to the Circuit Court. Should that happen, I and perhaps some of my neighbors might wish to seek legal counsel.

I also would like to state that I was concerned that notification of this matter did not arrive until a week before the Planning Commission's hearing. I was disappointed to hear at the meeting, when Mr. Spalding was asked by a member of the Planning Commission about the late notification to the community, that the Planning Division was not required to inform the neighbors but did so only as a courtesy. We were out of town until the Monday before the meeting and if our vacation had been longer the matter could have been decided without our input. I have lived in Rockville for 40 years and would not like to think a change would take place on the street where I live without being given a chance to state my views. I noticed in the October 28 Rockville Gazette that I can view the plans for the trees in Rockville on the internet and the City Council is urging all residents to offer input. I applaud the Council for publishing information like this and I would like to request that the City Council direct the Planning Division to inform neighborhoods in a timely fashion when changes that directly affect them are to be considered by the Planning Commission.

Sincerely,

Elizabeth McDonald Landfair
Elizabeth McDonald Landfair

Copy to : Mayor Rose Krasnow

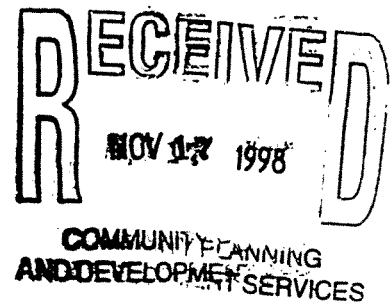
(14)

Attachment 6-46

R. 185

Law Offices of Nancy M. Floreen

401 East Jefferson Street
Suite 203
Rockville, Maryland 20850
301.340.3055 fax 301.340.8653
email floreen@hers.com



November 17, 1998

BY HAND DELIVERY

Robert J. Spaulding
Chief of Planning
City of Rockville
111 Maryland Avenue
Rockville, MD 20850-2364

Regarding: Re-application for Subdivision plan approval
Lots 20 and 21, Block 3, Dr. John Law

Dear Mr Spaulding:

I represent Dr. John Law with respect to the above referenced application. Enclosed please find the following documents:

- Application
- Six copies of Plan of Subdivision
- Record Plat checklist
- Forest and Tree Preservation Ordinance Application

As this is a renewed application identical to that which was previously filed in September, and because the work in reviewing this has already been substantially completed, we respectfully request that the City waive the applicable fees.

In addition, because of the importance of this application to Dr. Law, and the neighborhood interest it has generated to date, we respectfully request that this application be put on for hearing before the Planning Commission on a date when all Commissioners will be present.

What has changed since the Commission's October 21 hearing on the original request is that Dr. Law has decided that he personally will arrange to have a new home constructed on the new lot for his own personal residence. He has already begun to consult with the Historic District Commission as to their requirements. He has also made repeated efforts to meet with his neighbors and other interested persons to review his planning with them. This decision should ensure the compatibility of the new structure with the existing home and the South Van Buren Street neighborhood and we hope that his extensive efforts will go a long way toward satisfying neighborhood concerns as to change on the property.


Attachment 6-47

Robert Spaulding
Chief of Planning
City of Rockville

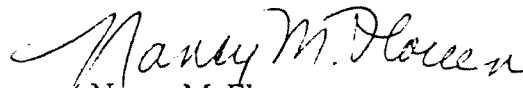
November 17, 1998
Page 2

In order to assist the Planning Commission in understanding how this will work, Dr. Law also wishes to invite the Planning Commissioners and your staff to visit the property and to let him describe for them exactly what he intends.

We previously provided you with copies of the deeds associated with the property and other documents addressing the character of the Commission's review based on the subdivision, not the resubdivision standards. In order to facilitate matters, we respectfully request that the material previously submitted be made a part of the file on this new application.

Thank you for your prompt attention to these requests. Please do not hesitate to let me know if I can provide you with any further information with respect to this matter.

Very truly yours,


Nancy M. Floreen
Attorney at Law

Enclosures (9)
cc: Dr. Law

LAW OFFICES
MILES & STOCKBRIDGE

A PROFESSIONAL CORPORATION

BALTIMORE, MD
CAMBRIDGE, MD
COLUMBIA, MD
EASTON, MD

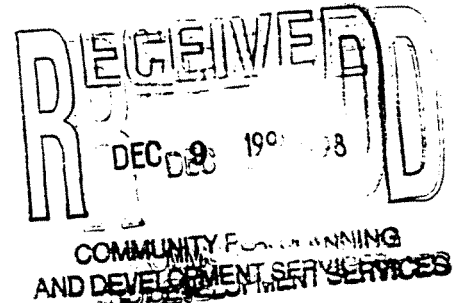
22 WEST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850-4286

TELEPHONE 301-762-1600
FAX 301-762-0363

FREDERICK, MD
McLEAN, VA
TOWSON, MD
WASHINGTON, D.C.

G. VANN CANADA, JR.
301-517-4805

December 8, 1998



Ms. Jane Fry-Emond, Chair
City of Rockville Planning Commission
111 Maryland Avenue
Rockville, Maryland 20850-2364

Re: Application for Approval of Final Record
Plat PLT 98-0154, Proposed Lots 20 and 21,
Block 3, Original Town of Rockville,
John T. Law, Applicant

Dear Ms. Fry-Emond:

Please be advised that this firm is counsel to Richard J. Green, D.D.S., M.S.D., the owner of the land and premises known as 124 South Van Buren Street, Rockville, Maryland. Dr. Green's home is located within five hundred (500) feet of the property which is the subject of the application referenced above.

On October 21, 1998, the City of Rockville Planning Commission reviewed the Final Record Plat of Subdivision described above. By letter dated November 6, 1998, the Applicant was informed that approval of the proposed plat of subdivision was denied. By letter dated October 28, 1998, Nancy M. Floreen, Esquire, acting on behalf of the applicant, John R. Law, requested that the Planning Commission reconsider its decision. Apparently, no action to reconsider the proposed plat has been taken.

On November 20, 1998, Dr. Law filed a Petition for Judicial Review in the Circuit Court for Montgomery County identified as Civil Action No. 194485 seeking review by that Court of the decision of the Planning Commission in conformity with the provisions of Rule 7-201, Maryland Rules of Procedure. That proceeding is currently pending before the Court.

We are informed that, notwithstanding the denial of approval of the proposed plat, Dr. Law has filed an additional subsequent request for approval of the same plat which was denied on November 6, 1998. The subsequent request is identified as PLT 98-0154.

Attachment 6-49

R.188

Ms. Jane Fry-Emond, Chair
December 8, 1998
Page 2

Further, we are informed that the Planning Commission intends to afford Dr. Law the opportunity to pursue the subsequent request for approval by placing the matter on its agenda for its December 16, 1998 session. Dr. Green takes vigorous exception to this action for several reasons.

Initially, a review of the subsequent request reveals that Dr. Law is requesting that the identical final record plat be approved under a new identification number. There is no substantive difference between the original plat and the subsequent plat. The only difference in the application requesting approval is that Dr. Law asserts that he intends to reside in a house to be erected on the proposed lot. Obviously, once approval of the plat is given, neither the Planning Commission nor any other agency within the City of Rockville can enforce the identity of the resident in the proposed house and lot.

Moreover, we suggest that the authority of the Planning Commission to consider the subsequent request for approval of the identical plat has been divested by Dr. Law requesting judicial review of the denial of the prior request for approval. Simply stated, after Dr. Law filed the petition in the Circuit Court, exclusive original jurisdiction over this matter vested in the Circuit Court, as held in Montgomery County v. Ian Corporation, 282 Md. 459, 385 A.2d 80 (1978).

Further, we suggest that for the Planning Commission to permit the filing of the subsequent request for approval of the same lot is nothing more than a request to reconsider the prior decision of the Planning Commission. Obviously, this would lead to a continuous approval process only limited by the tenacity of the applicant. Consequently, the Court of Appeals of Maryland rendered the decision in Schultze v. Montgomery County Planning Board, 230 Md. 76, 185 A.2d 502 (1962) which stands for the notion that once a quasi-judicial body has ruled, the decision may only be reopened and reversed by that body upon a showing of "fraud, surprise, mistake or inadvertence." No such allegations are contained in Dr. Law's subsequent request for approval of the subdivision plat.

In summary, the propriety of the Planning Commission's decision is now the subject of a judicial review as provided by Section 25-39(b) Rockville City Code at the instance of Dr. Law. It is the exclusive province of the Circuit Court to review the record of the proceeding and determine the existence, vel non, of substantial evidence to sustain the Planning Commission's decision. It is inappropriate and most likely illegal for the Planning

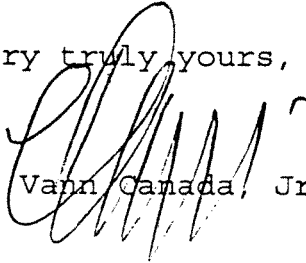
MILES & STOCKBRIDGE
A PROFESSIONAL CORPORATION

Ms. Jane Fry-Emond, Chair
December 8, 1998
Page 3

Commission to reconsider its decision or take any other action while the Circuit Court has this matter under judicial review.

If you have any question regarding this matter or we may furnish you with additional information, please do not hesitate to contact the undersigned. We also request that a copy of this letter be included in the record in Application for Approval of Final Record Plat identified as PLT 98-0154, Lot 20 and 21, Block 3, Original Town of Rockville.

Very truly yours,



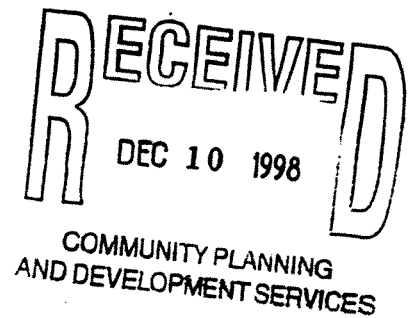
G. Vann Canada, Jr.

GVC:kj

cc: Sondra Block, Esquire
Paul T. Glasgow, Esquire
Nancy M. Floreen, Esquire

Law Offices of Nancy M. Floreen

401 East Jefferson Street
Suite 203
Rockville, Maryland 20850
301.340.3055 fax 301.340.8653
email floreen@hers.com
December 10, 1998



BY HAND DELIVERY

Ms. Jane Fry-Emond

Chair

City of Rockville Planning Commission

111 Maryland Avenue

Rockville, MD 20850-2364

Regarding: PLT98-0154,

Lots 20 and 21, Block 3, Dr. John Law

Dear Ms. Fry-Emond:

This office is in receipt of a letter sent to you on December 8 on behalf of Dr. Richard Green, a neighbor and opponent of the Dr. Law's application for subdivision plat approval. Dr. Green has argued that because Dr. Law filed an appeal from the Commission's earlier denial of his record plat, so as to preserve his rights, he is therefore precluded from requesting that the full Commission consider his current application, and the Commission is somehow prevented from hearing it. Please be advised that Dr. Green's arguments are misplaced and should be rejected.

Neither the Rockville City Code, your rules of procedure, or Article 66B of the Annotated Code of Maryland, which governs the City's exercise of zoning authority, supports Dr. Green's contention or in any way limit the authority of the Board to hear Dr. Law's pending application. As it is a basic principle of administrative law that an agency's authority is derived from its governing statutes, *eg.*, Lussier v. Maryland Racing Commission, 343 Md. 681, 686, 684 A.2d 804, 906 (1996), that should be the end of the discussion.

Further, however, the cases cited by Dr. Green do not support his arguments. Montgomery County v. Ian Corporation, 282 Md. 459, 385 A.2d 80 (1978) has nothing whatever to do with this matter. It involved the question of timely intervention by the county in property tax assessment matters and the relationship between a circuit court and

Attachment 6-52

Ms. Jane Fry-Emond, Chair
December 10, 1999
Page 2

appellate court in addressing errors of the circuit court. Indeed, the very case which Dr. Green cites as his authority, Schultz v. Montgomery County Planning Board, 230 Md. 76, 185 A.2d 502 (1962), in fact justifies Dr. Law's application. In that case, the applicant filed a request for resubdivision which was denied based on neighborhood opposition. The applicant appealed. While that appeal was pending the applicant resubmitted his plan. Upon receiving additional information as to the facts regarding similar development in the same neighborhood, the preliminary plan was approved by the Board. When it came to final formal approval of the plan as had just been approved, opposing neighbors complained again and the Board reversed itself. It was that **second reversal**, the reversal of the approval after re-application, that was challenged and which the Court found to be arbitrary and capricious. Here, similar to the unchallenged events in Schultz, Dr. Law has submitted a new application because erroneous and incomplete information was before the Board previously. In addition, Dr. Law's current intent to retain the new lot for his own use is new information as to the changed character of the application for the Board. Dr. Law here has simply taken the precise same steps as those taken by the ultimately vindicated applicant in Schultz.

As we will explain at the December 18 hearing in this matter, Dr. Law's application comes under your subdivision standards, and is not subject to the resubdivision rules. Dr. Law's property is an unplatted parcel which has never been part of a subdivision in any form. Information submitted by Dr. Green at the Commission's hearing on October 18 with respect to Plat 98-0150 suggesting the contrary was erroneous. As a result the Board has no authority to deny an application which complies with the criteria for subdivision in the R-90 zone. Nonetheless, and without conceding such point, recognizing the interest of the Commission in development which is consistent with the existing patterns through this area of Rockville, we will also present to you further information as to the patterns of lot sizes in the area surrounding Dr. Law's property.

In particular, we will show you that even on the same block and in the same zone as Dr. Law's property, and even in the Historic District, structures have been comfortably developed on smaller properties than the 9,056 square foot lot that Dr. Law is proposing to create. Thus, 113 South Adams Street is a parcel with 6,950 square feet, 115 South Adams Street is a parcel with 8,050 square feet, and 117 South Adams Street is a parcel of 7,500 square feet. Across the street, 106 South Adams is a parcel containing 7,500 square feet. 100, 108, 110, and 118 South Adams are all located on parcels which are less than 9,500 square feet. Moreover, throughout this area of Rockville, not only are there a


Ms. Jane Fry-Emond, Chair
December 10, 1999
Page 3

number of additional developed parcels which are smaller than the lot proposed by Dr. Law, but there are also a number of lots created by subdivision which are also less than what he proposes, others that are just about of the same size, and an additional number less than 9,500 square feet. In addition, at least three properties on Van Buren Street alone have lot sizes 80 feet in width. What this will go to show is the consistency of Dr. Law's request with the variety of lot sizes scattered throughout the neighborhood. All of this has not detracted from the vibrancy of Rockville's existing neighborhoods or their historic character. None of this was discussed in any detail at the hearing on Plat98-0150.

By this information, Dr. Law hopes to satisfy any planning concerns the Commission may have with respect to his application. He has made every conceivable effort to work with his neighbors to explain the details of his proposal. We have agreed to stay the appeal pending this application. In sum, Dr. Law has done everything within his power to work cooperatively with the City in attempting to resolve questions and issues concerning the application.

We respectfully request that you reject Dr. Green's arguments and proceed to hear Dr. Law's application as scheduled. Please include this letter in your record in PLT 98-0154.

Very truly yours,

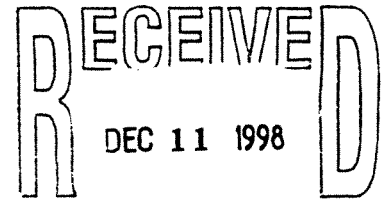

Nancy M. Floreen
Attorney at Law

cc: Sondra Bloch, Esq.
Paul T. Glasgow, Esq.
G. Van Canada, Jr. Esq.

118 S. Van Buren Street
Rockville, MD 20850
December 11, 1998

City of Rockville Planning Commission
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Application PLT98- 0154
100 S. Van Buren Street



COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

Ladies and Gentlemen:

I have been informed that although my neighbor's application for resubdivision of his property was denied and his request for reconsideration was denied, he has submitted the identical application for the second time.

I wish to reiterate my position that this nice old neighborhood should be left unchanged. It is one of the few areas in Rockville that has not undergone drastic change and there is certainly no reason for considering change other than for the applicant's financial gain. I am enclosing for your reference a copy of the letter which I wrote at the time of Dr. Law's first application. It is my understanding that a number of homeowners from Argyle Street have written in support of his application. My answer to each of them is that it would not affect them one way or another. They do not live on South Van Buren Street. The fact that they think he is a nice person is really not a supportable reason to change the character of our neighborhood.

As I stated in my letter dated October 20, 1998, any resubdivision of lots on this street would set a precedent. As Mr. Phipps of 131 South Van Buren Street stated at the first meeting on this matter, his home is positioned on the center of two large lots and the house could be torn down in order to create six R90 lots. Mr. Talbott and I could build on the lot between our houses. Mrs. Landfair has 46,000 square feet which could be divided up. Others on this street could do likewise. There are any number of lots on the street which could be resubdivided into R90 lots. The "Old Rockville" charm of South Van Buren Street would be gone.

With all of the changes which we have endured in Rockville, I would like to know that South Van Buren Street will remain unchanged. I turn the corner into our street and it is as it has been for a long, long time, as I stated in my first letter, a quiet and serene refuge in the midst of the bustle of downtown Rockville.

Dr. Law has persuaded some of the neighbors to agree with his argument that "change is inevitable." I would venture to guess that is the kind of thinking that created the Rockville Mall and caused the interesting old houses and businesses lining the streets


Attachment 6-55

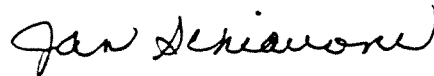
of downtown Rockville to be torn down and irretrievably lost. I believe that this awful event led to the formation of Peerless Rockville and the Historic District Commission.

Financial distress or recent widowhood is irrelevant to resubdividing a property. I, too, am widowed due to my husband's untimely death as was Mrs. Landfair. We also had problems; but we have dealt with them without dividing and upsetting our neighbors.

A letter sent to the neighbors by Dr. Law's realtor stretched the facts with an implied threat that Dr. Law's property might be rezoned commercial. This is an effort to scare neighbors into choosing the lesser of two evils written by someone who would gain financially. I have attached a copy of the letter from Mr. Coakley who, by the way, does not live in Rockville. I am almost afraid to ask what his plan is for stabilizing the residential properties on South Van Buren Street for the next 25-50 years. I have been very happy and stable here for 35 years and others of my neighbors have been here much longer.

I would once again ask that the Planning Commission consider the fact that this is one of the few old established neighborhoods remaining in Rockville and leave it the way it is now. I do not feel that I am, as Mr. Coakley chose to call me, a disgruntled neighbor. My husband and I were thrilled that we could move onto this fine old street in 1963. One of our reasons was that it was an established neighborhood which would not change.

Very truly yours,



Janice H. Schiavone

j

Enclosures

cc: Peerless Rockville
West Rockville Citizens Association
The Mayor and Council of Rockville
Rockville Historic District Commission

118 S. Van Buren Street
Rockville, MD 20850
October 20, 1998

City of Rockville Planning Division
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Application PLT98-0150
100 S. Van Buren Street

Gentlemen:

I have been out of town and upon my arrival at home in the late evening October 18, received a postcard which had been mailed to the owner/occupant of my home giving notice of a tentative planning commission meeting on Wednesday, October 21, 1998. I would like to ask two questions. Just when will I be informed whether or not this tentative meeting will take place? The other question is why was I not given more notice.

It would seem to me that the intent to subdivide a lot and drastically change a neighborhood should be advertised. To the best of my knowledge, it has not been.

I would like to express my concern about the proposed subdivision of this parcel. South Van Buren Street has always had the reputation of being one of the nicest residential streets in Rockville with spacious lots and mostly good sized homes. Green lawns, gardens, trees and lots of space between houses is a part of the charm of South Van Buren Street. Squeezing a big Pseudo-Gothic/Victorian, or any other \$450,000.00 to \$500,000.00 house on that size lot would begin to change the whole character of the neighborhood. It would also set a precedent on our street which I have noted in other parts of the west end of Rockville. The most egregious example to me would be the placement of seven or eight houses on a small bit of acreage on Maryland Avenue.

Another aspect to consider is the fact that new construction would place an additional strain on the old city pipes in this neighborhood and would make stormwater management more burdensome. We do have a big problem with water pressure in this area.

My house is right next door to this proposed new lot and I am worried that any house squeezed onto a lot smaller than any other on this street would be jammed right up against my property line. I expect that all of the trees would be torn down also. I would also venture to guess that there would be more cars parked on this narrow street.

I have lived in my house for 35 years and it has always been a quiet and serene refuge in the midst of bustling downtown Rockville. With a large house looming so closely over mine, I will feel as though I live in a townhouse subdivision.

It is my hope that the Planning Commission will consider the fact that this is an old established neighborhood and leave it the way it is now.

Very truly yours,

Janice H. Schiavone

j
cc: Peerless Rockville
The Mayor and council of Rockville



Rory S. Coakley Realty, Inc. · 20 Courthouse Square · Suite 106 · Rockville, Maryland 20850

(301) 340-8700 · Fax: (301) 340-6380

November 12, 1998

Dear Concerned Citizens of South Van Buren and Argyle Streets,

My name is Rory Coakley and I own and operate Coakley Realty which is located in downtown Rockville, next to the Courthouses. I assisted my sister in purchasing an historic home at 415 West Montgomery Avenue. As the recently installed President of the Rockville Chamber of Commerce, My family and I have a vested interest in business and real estate in Rockville.

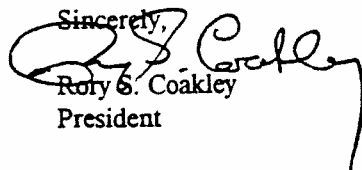
Coakley Realty is Dr. John Law's real estate agency for the sale of his property at 104 West Jefferson Street. I have been working with Dr. Law for almost one year in an effort to assist him in downsizing his primary residence since he is now a widower and does not have the resources or energy to fund and maintain the property. We have studied a variety of options such as: commercial zoning and creating a new lot.

I researched the possibility of rezoning the property for commercial uses. Attempting to change the zoning is probably achievable based on some of the recent cases on nearby properties; however, this would take 6-9 months and some costly expenditures on zoning attorneys, landplanners and civil engineers. This extra time and cost would be more than offset by the increased net proceeds of the sale of a commercial property. Dr. Law was not comfortable with altering the residential nature of South Van Buren Street

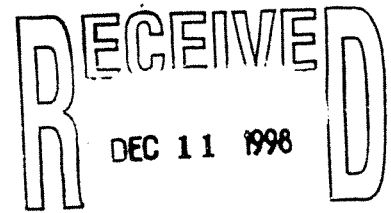
Creating an additional lot seemed to make the most common and economical sense. It appeared to be readily achievable in the R-90 zone as a matter of right. Also, it would maximize Dr. Law's net proceeds on the sale which will enable him to resolve some financial obligations and provide enough funds to purchase or build a home for retirement.

Finally, Dr. Law's existing lot is more than 27,000 square feet. The proposed lot is more than 9,000 square feet which is totally in keeping with the surrounding lot sizes. Whether John DuFief or Dr. Law builds a home on the lot, it will undoubtedly be of the highest quality and in harmony with the neighboring homes.

Please empathize with Dr. Law and the facts regarding this issue. What if this was your property? Should a few disgruntled neighbors have the ability to unjustly interfere with the property rights of a fellow neighbor? I feel Dr. Law should be able to create a new lot and carry out our plan for stabilizing the residential properties on this street for the next 25-50 years.

Sincerely,

Rory S. Coakley
President

*Richard J. Green, DDS, MSD
124 S. Van Buren Street
Rockville, Maryland 20850
301 294-8979*



December 11, 1998

COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

Ms. Jane Fry-Emond, Chair
City of Rockville Planning Commission
111 Maryland Avenue
Rockville, Maryland 20850-2364

Dear Ms. Fry-Emond:

I object to the final record plat application PLT98-0154 filed by John Law. This application is substantively identical to application PLT98-0150, considered and denied by the Planning Commission on October 21, 1998.

The current application to create a 9,056 square foot building lot is out of character for South Van Buren Street and in violation of Rockville Zoning Ordinance 25-749. Prior to 1923 the Prettyman lot extended to the south line of the Rockville Academy property. On February 28, 1923, this lot was subdivided as defined by the current Rockville City Code. This created a building lot with covenants specifying the construction of a residence valued not less than \$4,000.00 and a right of way for the extension of Van Buren Street. Enclosed are copies of land maps from 1917 and 1930, and the Deed illustrating the subdivision of the Prettyman lot to form the Brunett lot and the extension of Van Buren Street. John Law is now proposing to do again exactly what the Prettyman's did in 1923.

The Planning Commission spent two hours discussing the merits of this proposal at its meeting on October 21, 1998. John Law had the opportunity to withdraw his proposal and request the presence of all seven members of the Commission prior to their voting. He choose not to do so. The quorum of four Commission members voted, and the application was denied. John Law is challenging the Planning Commission's integrity to make a ruling by forcing the Commission to rehear the same proposal under a new application number. This is improper and not a provided method of appeal either in the Planning Commission Rules of Procedure or in Chapter 25 of The Rockville City Code. Any issues in law should be decided on appeal in the Montgomery County Circuit Court. I respectfully ask the Planning Commission to vote to deny application PLT98-0154.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. J. Green", written in a cursive style.

Richard J. Green, DDS, MSD

enc

lines are indeterminate and pavement or a well-defined traveled way exists, the centerline shall be assumed to be a line midway between the edges of such pavement or traveled way.

Street, width means the horizontal distance between the side lines of a street at right angles to the side lines.

Structure means a combination of materials forming a construction for occupancy or other purposes which requires permanent location on the ground or attached to something having permanent location on the ground.

Subdivider means any person or duly authorized agent who undertakes the subdivision of land as defined herein and includes the term "developer" even though the personnel involved in successive stages of the project may vary.

Subdivision means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land or assemblage of land for the purpose, whether immediate or future, of sale or of building development. "Subdivision" includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

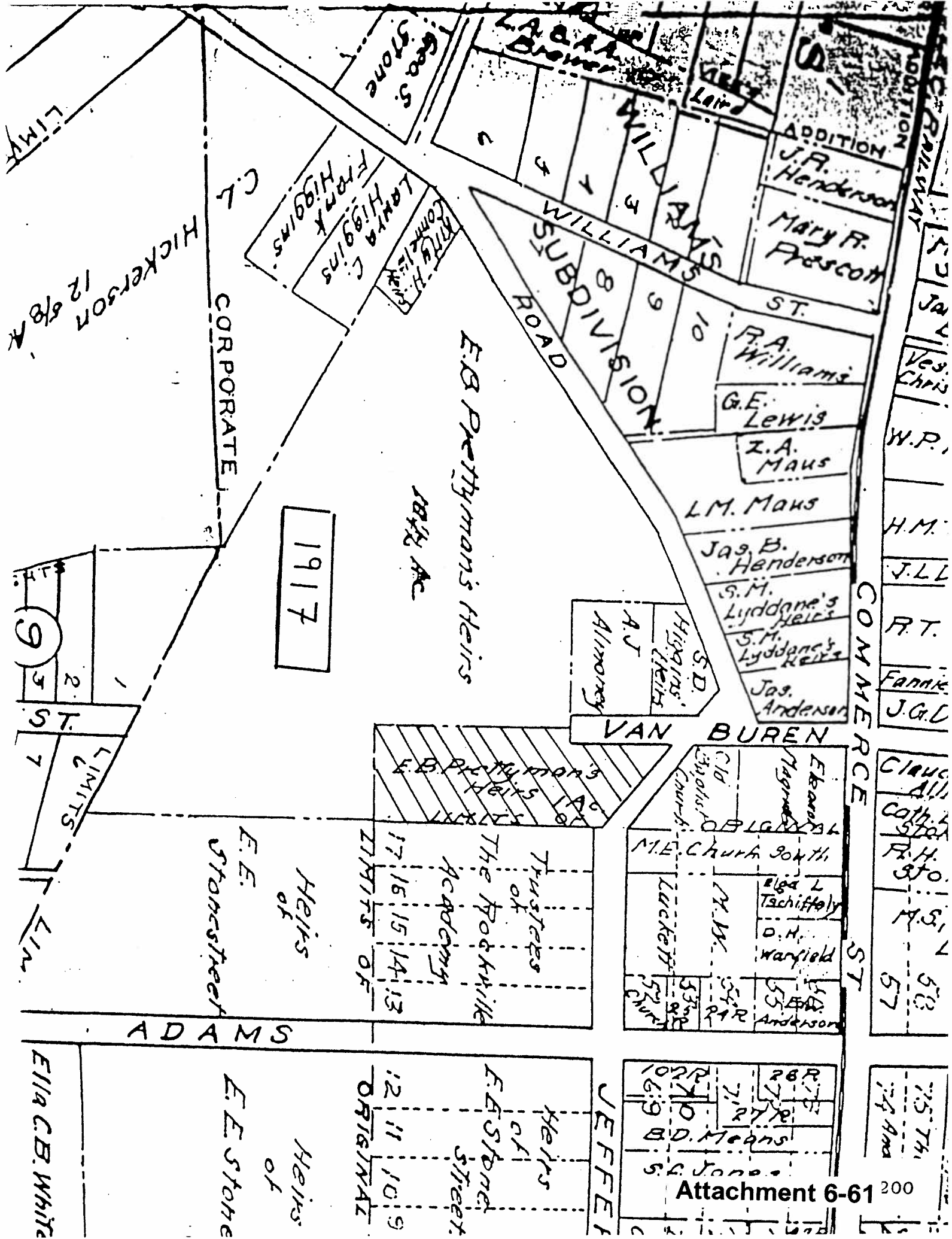
Subdivision, minor means any subdivision containing not more than three (3) lots fronting on an existing road, not involving any new road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with a provision or portion of the Plan or this chapter.

Swimming pool means a pool for swimming by human beings having adequate legal capacity and deck size.

Swimming pool, accessory means a swimming pool and/or wading pool, including buildings necessary or incidental thereto, conducted as an accessory use:

(1) Maintained and operated by the management of any multifamily development in any multifamily zone or development; or

(2) Maintained and operated by the management of a hotel or motel for the use of patrons thereof; or



Attachment 6-62

ADAMS

Rockville Academy

③

Feb 1930

10.86 Acres

Yarrow E. & Rob 1: Evans

VAN BUREN

ST.

CORPORATION

Clarence L. Hickory

Property of
Manufacturers

J. A. Stover.

(Internal Revenue \$6.00)

State of Maryland, Montgomery County, to wit:

I hereby certify that on this 20th day of January, in the year 1921, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared William T. Ridgely and Carrie Ridgely, his wife, and did each acknowledge the foregoing and annexed deed to be their respective act.

As Witness my hand and Notarial seal.

John A. Stover N.P.

John A. Stover
Notary Public
Gaithersburg, Md.

At the request of Lydia Almoney Brunett and J. Paul Brunett the following Deed

was recorded February 28th, A.D. 1923 at 10.43 o'clock A.M. to wit:-

This Deed, made this 13th day of February, in the year nineteen hundred and twenty three, by Rosetta V. Prettyman, widow and sole devisee of Charles W. Prettyman, late of Montgomery County, in the State of Maryland, deceased; Eliza P. Kilgour, widow, Anna H. Magruder and Hugh S. Magruder, her husband, of Baltimore City, in the State of Maryland; Forrest J. Prettyman and Elizabeth R. Prettyman, his wife, of Knox County, in the State of Tennessee; Lydia F. Prettyman, unmarried, of Montgomery County, in the State of Maryland; Albert J. Almoney, widower, Mary B. Almoney, unmarried, together with Lydia Almoney Brunett, being the surviving husband and only children and heirs-at-law of Miriam P. Almoney, deceased;

Witnesseth, Whereas the parties grantor herein before named, together with the grantees hereinafter named, are the only surviving devisees of Elijah B. Prettyman, and the only heirs at law of the said Elijah B. Prettyman and Lydia F. Prettyman, his wife, late of Montgomery County, in the State of Maryland, deceased.

And Whereas the said parties grantor have agreed to sell unto Lydia Almoney Brunett and J. Paul Brunett, her husband, the hereinafter described parcel of land, being part of the real estate, situate, lying and being in the Town of Rockville, in Montgomery County, Maryland, of which the said Elijah B. Prettyman and Lydia F. Prettyman, his wife, respectively died seized.

Now, Therefore, in consideration of the premises and in further consideration of the sum of Ten Dollars, we, the said Rosetta V. Prettyman, Eliza P. Kilgour, Anna H. Magruder and Hugh S. Magruder, her husband; Forrest J. Prettyman and Elizabeth R. Prettyman, his wife, Lydia F. Prettyman, Albert J. Almoney, and Mary B. Almoney, do grant and convey unto the said Lydia Almoney Brunett and J. Paul Brunett, her husband, all that lot, piece or parcel of land situate, lying and being in Montgomery County, in the State of Maryland, which is described

follows:-

Beginning at a point distant four hundred and forty four and sixty-- hundredths (444.69) feet from the end of the first line of a deed from Anne H. Johns to Elijah B. Prettyman dated November 4th, A.D. 1867 and duly recorded among the Land Records of said County in Liber E.B.P. No. 4, folio 342, said point being also the beginning of a deed from Rosetta V. Prettyman and others to Forrest J. Prettyman, as running thence reversely with said line North forty-five minutes West seventy five feet; thence South eighty-nine degrees fifteen minutes West one hundred and thirteen and twenty one hundredths feet to the East edge of Van Buren Street extended, thence South Forty five minutes East seventy five feet, thence with Forrest J. Prettyman's North line North eighty-nine degrees fifteen minutes East, one hundred and thirteen and twenty one hundredths feet to the beginning; according to a survey made by Charles J. Maddox, County Surveyor in 1922.

Together with a right of way along the West line of the land above described for its entire length over the land still belonging to the grantors, which would lie within the lines of Van Buren Street in said Town of Rockville, if said Street were produced for said distance.

Subject to the following covenants to run with the title to the land hereby conveyed, to wit:

That no building shall be erected upon said lot, save for residence purposes, and such outbuildings as may be reasonably necessary in connection therewith and that such residence shall not cost less than Four Thousand Dollars.

Together with all and singular the buildings and improvements thereon and all the rights, roads, ways, waters, privileges, advantages and appurtenances to the same belonging, or in anywise thereunto appertaining.

And we, the said Rosetta V. Prettyman, Eliza P. Kilgour, Anna H. Magruder and Hugh S. Magruder, her husband, Forrest J. Prettyman and Elizabeth R. Prettyman, his wife, Lydia F. Prettyman, Albert J. Almonee and Mary B. Almonee, covenant to warrant generally the lands and premises hereby conveyed, and to execute any and all such further or other assurances as may be requisite or necessary the better to convey the same as aforesaid.

Witness our hands and seals.

Witness:	Rosetta V. Prettyman	(Seal)
Mary Louise Yearley	Eliza P. Kilgour	(Seal)
Maudie E. Hodges	Anna H. Magruder	(Seal)
Maudie E. Hodges	Hugh S. Magruder	(Seal)
A.E. Williams	Forrest J. Prettyman	(Seal)
A.E. Williams	Elizabeth R. Prettyman	(Seal)
Witness: L.F.P.-A.J.A.-M.B.A.	Lydia F. Prettyman	(Seal)
Mary Louise Yearley	Albert J. Almonee	(Seal)
	Mary B. Almonee	(Seal)

State of Maryland, Montgomery County, to wit:

I hereby certify that on this 13th day of February in the year nineteen hundred and twenty three, before the subscriber, a Notary Public of the State of Maryland, in and for Montgomery County, personally appeared Rosetta V. Prettyman, widow, Eliza P. Kilgour, widow, Lydia F. Prettyman, unmarried, Albert J. Almoney and Mary B. Almoney, unmarried, and did each acknowledge the foregoing and annexed deed to be their respective act and deed.

Given under my hand and notarial seal this 12th day of February, A.D. 1923.

Mary Louise Learley

Notary Public

Mary Louise Learley

Notary Public

Rockville, Montg.

Co., Md.

State of Maryland, Baltimore City, to wit:

I hereby certify that on this 8th day of February, in the year nineteen hundred and twenty three, before the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared Anna M. Magruder and Hugh S. Magruder, her husband, and did each acknowledge the foregoing and annexed deed to be their respective act and deed.

Given under my hand and Notarial seal this 8th day of February A.D. 1923.

Maude E. Hodges.

Notary Public

Maude E. Hodges.

Notary Public

Baltimore, Md.

My Commission expires May 1, 1924.

State of Tennessee, Knox County, to wit:

I hereby certify that on this 2nd day of February in the year nineteen hundred and twenty three, before the subscriber, a Notary Public of the State of Tennessee, in and for Knox County, personally appeared Forrest J. Prettyman and Elizabeth B. Prettyman, his wife, and did each acknowledge the foregoing and annexed deed to be their respective act and deed.

Given under my hand and notarial seal this 2nd day of February A.D. 1923.

Alice E. Williams

Notary Public

Alice E. Williams

Notary Public

Knox County, Tenn.

My Commission expires Feb. 7, 23.

At the request of R. Gordon Van Vranken the following Deed was recorded February

28th, A.D. 1923 at 11.30 o'clock A.M. to wit:

No 241 NW

This Indenture, made the eleventh day of January in the year of our Lord one thousand

four hundred and

twenty-three between Louis B. Moss and Wortley M. Moss, his wife,

1" = 30'

104 JEFFERSON STREET

J.R. LAW Property
501-279-0990
301-831-2646

100 S. VAN BUREN STREET

